



Item 4.1: Request for General Plan Amendment – Alta Hills #3

File Name:	07-056 Alta Hills #3 General Plan Amendment
Application Received:	November 14, 2007
Meeting Date:	September 3, 2008
Public Hearing Date:	March 5, 2008, August 20, 2008
County parcel Number:	2235479030, 2235479031, 2235479032, 2235479033
Location:	8565, 8575, 8585, 8595 S. Wasatch Blvd. (Alta Hills #3 Sub.)
Development Area:	1.49 Acres
Request:	Amend the General Plan from Low-density to Medium-density Residential
Owner/Applicant:	Mark Neff
Agent:	Mark Neff
Staff:	Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any request for amendment to the general plan. This report provides preliminary information regarding the general plan designation of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: R-1-8 (19.26), R-2-8 (19.31), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting an amendment to the general plan for four properties located at approximately 8550 South Wasatch Boulevard, also known as the Alta Hills #3 subdivision, from the Low-density Residential to the Medium-density Residential designation. The original application included five lots. Under the current concept plan, the fifth and northernmost lot would be held for open space. Should this application and the subsequent rezoning application be accepted, however, there is no guarantee that this concept plan would be implemented. In fact, the applicant would have the right to build twin homes on the four lots included in this application as well as build a single family home on the fifth lot.

Neighborhood/Public Position on the Request

at least 10 days prior to the public hearing. Additionally, a sign was posted on the lot with the date, time, and purpose of the public hearing.

Staff Observations and Position on the Request

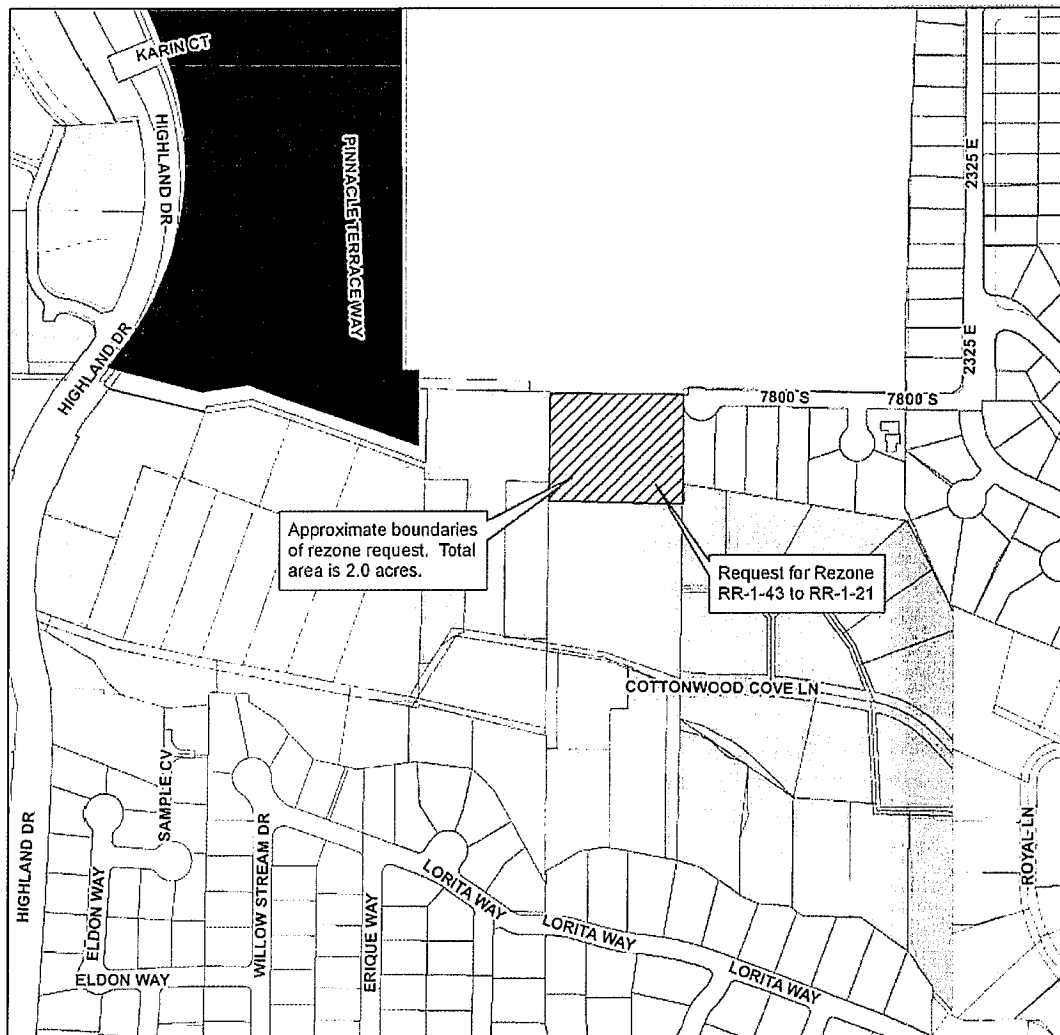
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees.

Site Layout

The property is located on at the end of 7800 South, on the south side of Brighton High School. This is one piece of a lot that was recently subdivided. The original lot was a total of 5.0 acres. The south of the original lot has been divided into three one-acre lots which have access onto Cottonwood Cove Lane. The remaining parcel is currently a single parcel of two acres. This parcel is located at the top of a precipice which overlooks the other three parcels. Access onto this parcel is from 7800 South, and cannot be accessed from the south due to the steep incline of the hill. A vertical separation of approximately 150 feet exists between the Cottonwood Cove Lane parcel and the 7800 South parcel being considered for a zone change.



Zoning and General Plan

The current zone for the property is RR-1-43, which is a rural residential zone and allows for lots of one acre or greater in area. The request is to change the zone from the RR-1-43 to the RR-1-21. This zone is also a rural residential zone, but it allows for lots as small as one-half acre. Other residential properties on top of the hill are zoned R-1-8, which allows for lots as small as 8,000 square feet or approximately 0.18 acre. The reason this lot is not zoned the same as adjacent lots, presumably, is because it was formerly part of another lot. The former lot fell primarily at the bottom of the hill. Thus, it was more appropriate for the lot to be zoned according to the lots surrounding it at the lower level. Now that the lot has been subdivided, the portion that remains at the top of the hill would more appropriately be zoned similarly to those lots with a similar situation. The general plan designation for the subject property is Rural Residential. A change to an R-1-8 zone, while possibly appropriate, would require a change to the general plan as well. Therefore, in staff's opinion, a rezone to RR-1-21 would be appropriate to more closely fit the adjacent properties, and still meet the intention of the general plan.

One of the stated objectives of the general plan is to "minimize capital improvement costs by encouraging new development to occur near similar developments" (Chapter 2, goal 3). It also states that "The City is interested in ensuring a harmony of land uses, and maintaining existing densities and land use patterns" (community vision statement). In staff's opinion, if the proposed zone change were allowed, the City could encourage similarity of development on this parcel to adjacent parcels, and maintain the existing land use pattern, while still allowing for reasonable development.

Potential Future Uses

It is staff's understanding at the time of the staff report that the applicant wishes to further subdivide the two acre lot into four (4) one-half acre lots. Under the requested zoning, this would be the maximum intensity of land use allowed.

Other uses available to a property owner in the RR-1-29 zone are:

1. Accessory uses and buildings customarily incidental to permitted uses;
2. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations;
3. Home occupations;
4. Home day care/preschool;
5. Household pets;
6. Bed and Breakfast;
7. Cemetery;
8. Day care/preschool center;
9. Dwelling Group;
10. Fruit/Vegetable stand of products produced on-premise;
11. Golf Course;
12. Residential facility for elderly persons;
13. Milk processing and sale (50% produced on site);
14. Nursery and/or greenhouse, excluding retail sales;
15. Nursing home;
16. Pigeons, subject to health department regulations;
17. Planned Unit Development;
18. Plant for storage or packing of fruits or vegetables produced on the premises;
19. Private educational institution, similar to public schools;

20. Private non-profit recreational grounds and facilities;
21. Public and quasi-public uses;
22. Radio and television transmitting and relay tower, excluding studio;
23. Residential health care facility;
24. Sportsman's Kennel (minimum lot 1 acre);
25. Temporary buildings for construction work.

The outlined uses above are identical to those found in the RR-1-43 zone. Changing the zone from RR-1-43 to RR-1-21 will change only the minimum lot size, not the potential uses of the property.

Traffic Impact

Brad Gilson, the City Engineer, has reviewed the plat and given the opinion that traffic generation of the four lots is minimal and added traffic falls well below the capacity of the existing streets. Brad will be available during the public hearing to answer questions and address concerns relating to traffic.

Geology

The location of the parcel on the precipice and the nature of the soils are of some concern to development on this site. The staff is aware of potential problems, and any development of the site will require the submission of appropriate geological studies and reports during the building process, as well as review by the City Engineer and City Geologist.

Recommendation

Based upon the staff observations and the consistency with the general plan, staff is recommending **approval** of a request for zone change from RR-1-43 to RR-1-21. Staff feels that the requested zoning places the parcel on more equal ground with the adjacent lots while maintaining the intent of the general plan. Staff believes that the existing incline which separates this northern lot from the other subdivided lots creates a logical division between land uses. The lots at the bottom of the hill should and do fit with the surrounding lots. The lot remaining at the top of the hill has substantially different requirements, because of the less intensive zoning of RR-1-43, from the adjacent residential lots with zoning of R-1-8. Staff feels a change to RR-1-21 would bring the size requirements for lots on this parcel more in line with the requirements for other lots similarly situated. Also, staff feels that this development furthers the objectives of the general plan by allowing developments which are consistent with existing land use patterns of adjoining lots with similar conditions.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – RR-1-43: Chapter 19.17

Zoning – RR-1-21: Chapter 19.20

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Greg Platt Planner
Telephone: 944-7067
Fax: 545-4150
Cell: 502-5004
E-mail gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Notice Sent to Property Owners within 1000'
2. Map of the property
3. Topographic Map
4. General Plan Map

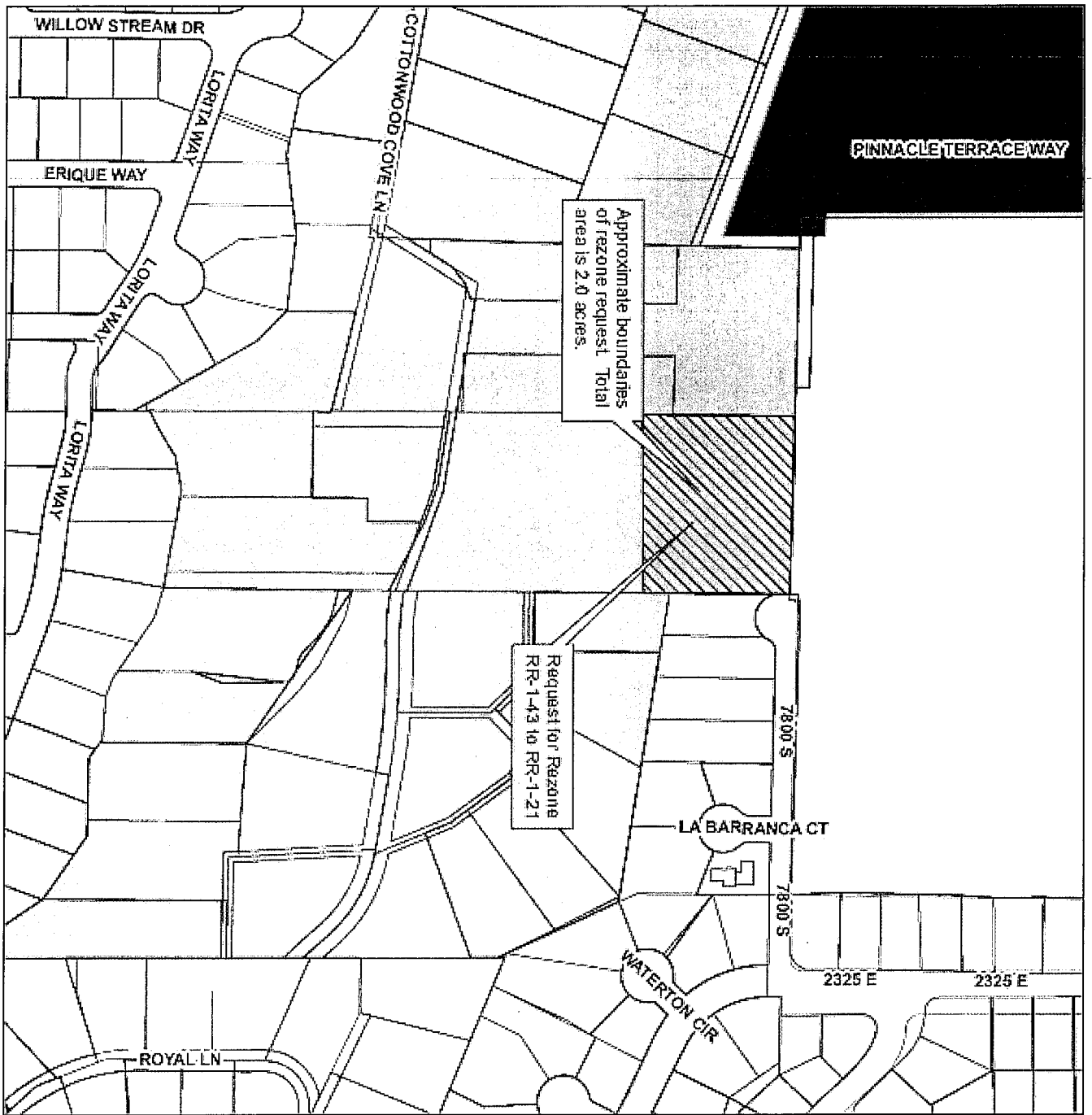


COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on September 3, 2008, to receive public comment on a request by Allen Nielson to rezone approximately 2.0 acres of property located at 2249 East 7800 South, Cottonwood Heights, Utah, from RR-1-43 to RR-1-21.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Greg Platt at 944-7000.

Attest: Linda Dunlavy
City Recorder



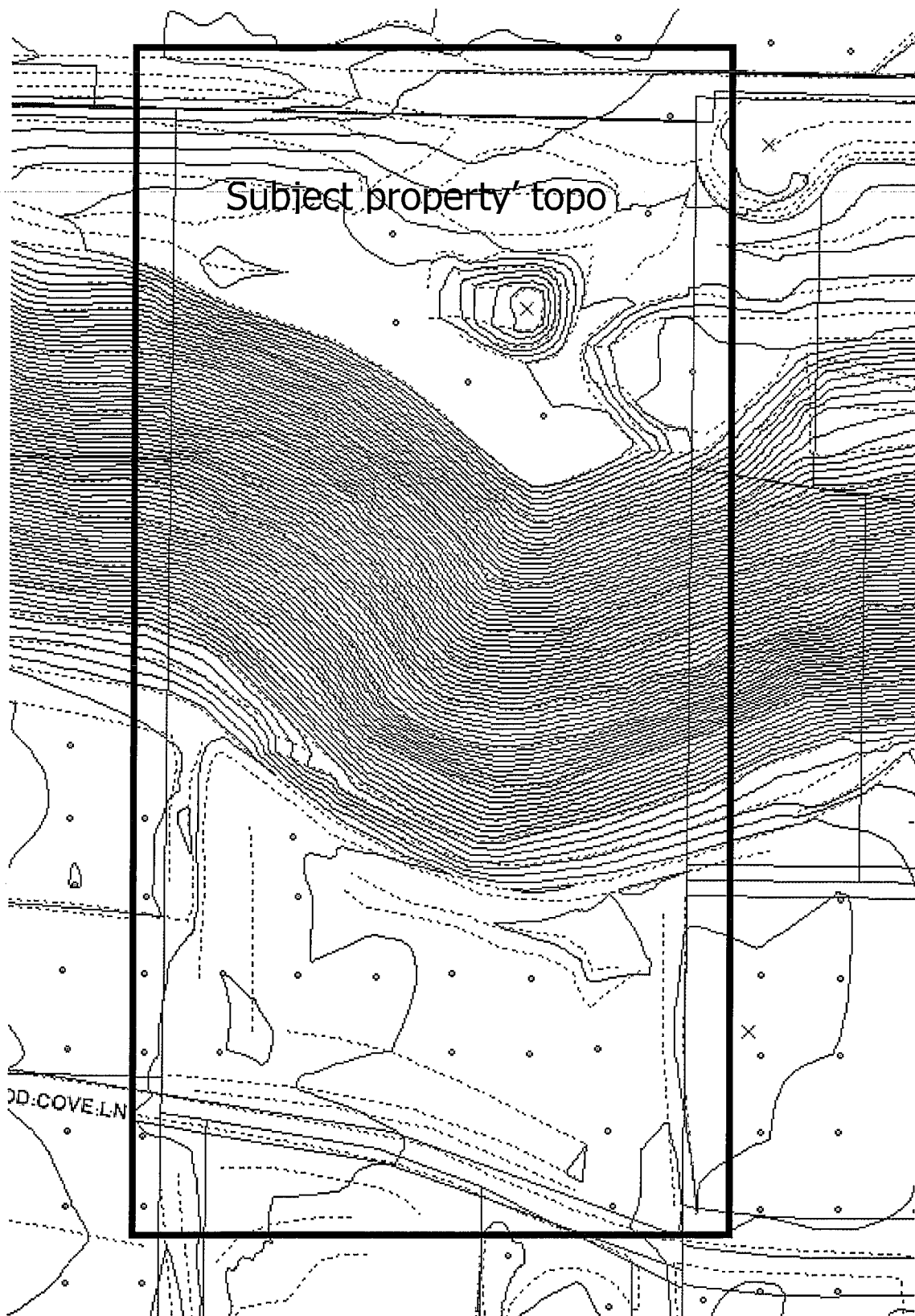
Request for Rezoning RR-1-43 to RR-1-21

Zoning	
CR	RR-1-43
NC	R-1-8
ORD	R-1-6
RO	R-1-10
PF	R-1-15
RM	R-2-8
RR-1-21	F-1-21
RR-1-29	F-1-43
	F-20

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 545-4154



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August 18, 2008





Request for Rezone **RR-1-43 to RR-1-21**

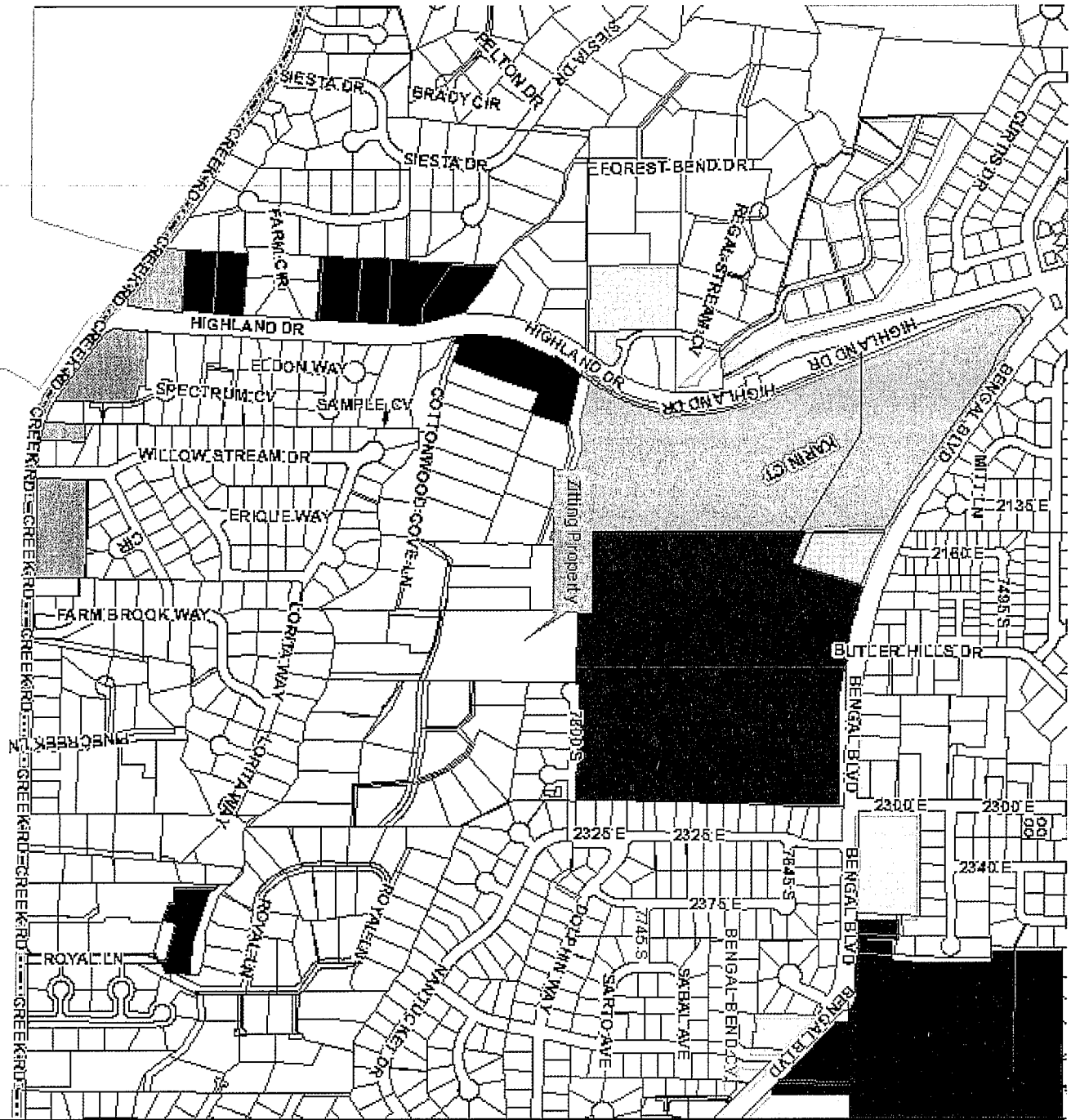
General Plan

- Civic
- Religious
- Utility
- Office/R-D
- Residential Office
- Commercial
- Mixed Use
- Neighborhood Commercial
- Residential High Density
- Residential Med Density
- Residential Low Density
- Residential Rural Density
- Open Space
- Sensitive Lands

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Item 7.1 – 7.5: Approval of Planning Commission Meeting Minutes

Meeting Dates

1. January 09, 2008
2. January 16, 2008
3. February 06, 2008
4. March 19, 2008
5. August 20, 2008

Commissioner Tomas Bowen has sent city staff corrections for all meetings listed above. Please submit all other changes to Terri Forbes.
tforbesgroup@hotmail.com

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, January 9, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 J. Thomas Bowen, Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Jerri Harwell, Alternate
18 Doug Haymore (excused at 7:55 p.m.)
19 Gordon Nicholl
20 Amy Rosevear, Alternate
21 Sue Ryser

12 **City Staff:**

Michael Black, Planning Director
Glenn Symes, Associate Planner
Shane Topham, City Attorney
Sherry McConkey, Planning Coordinator
Brad Gilson, City Engineer
Mayor Kelvyn Cullimore
Liane Stillman, City Manager
Sgt. Paul Brenneman
Detective Dan Bartlett

22
23
24 **Excused:**

25
26 Jim Keane

27
28 **REGULAR MEETING**

29
30 Chairman J. Thomas Bowen called the meeting to order at 7:03 p.m. The presence of Scout
31 Troop 1113 was acknowledged. The scouts were working on their communications merit badge.
32 Procedural issues were reviewed.

33
34 **1. Public Comment.**

35
36 There were no public comments.

37
38 **2. Continued Action Item – Conditional Use – Wasatch Office.**

39
40 (19:05:24) Chair Bowen reported that the Wasatch Office matter had been on the agenda several
41 times and had been continued from the Commission's December meeting for action tonight. The
42 item did not involve a public hearing. Additional public input had been received but the purpose
43 of tonight's meeting was for the Planning Commission to make a decision.

44
45 Chair Bowen reviewed what had transpired on the application. The property in question was
46 rezoned several years earlier by Salt Lake County. If the matter were presented to the City today

1 the rezone would most likely not be approved to the present zone. The City, however, was
2 obligated by law to deal with the property in its present state and zone. Chair Bowen explained
3 that by rezoning the property it was a given under state law that certain uses are appropriate.
4 Those uses were set out in the ordinance as conditional uses. State law requires that conditional
5 uses be granted in most instances unless there is some compelling interest in the property or
6 some detrimental effect that the use of the property will create that cannot be mitigated. He
7 explained that almost any use could be mitigated through some type of action.

8
9 Chair Bowen explained that the owner of the property upon filing an application, acquired
10 certain vested rights. The applicant had the right to see the application through and the City
11 could not deny that right. If those present were unhappy with the situation, he suggested their
12 concerns be addressed with the State Legislature. He remarked that cities receive their rights and
13 authority from the Legislature who can grant and take away certain rights from cities.
14 Approximately three years earlier, the Legislature enacted a law that substantially restricted the
15 ability of cities to deny conditional use permits. Given that background, the Commission tonight
16 was dealing with a property owner with certain vested rights who had made application. The
17 Commission was obligated under state law to deal with that and do what it can do to mitigate any
18 adverse impacts the property may have. The Commission's ability to deny a conditional use
19 application was severely limited.

20
21 (19:09:24) Chair Bowen stated that the City received a great deal of input from the public on the
22 matter. There were numerous public hearings conducted in an effort to try to communicate with
23 the citizens about what was taking place. Some of the information received from the public had
24 been very helpful. Some citizens thought the Commission was turning a deaf ear to what the
25 public had to say. That was not the case. The Commission appreciated the time and effort the
26 citizens had put in. The Commission Members thought that if the project were approved, it
27 would be much better because of the input received from concerned citizens and the neighbors in
28 the area. Chair Bowen thought the City had been quite diligent in dealing with the matter. The
29 Members of the Planning Commission reviewed all of the information submitted. He remarked
30 that the City had experts that it relied upon to help make recommendations.

31
32 Chair Bowen remarked that the matter was on the agenda the previous month. During that time
33 the Planning Commission was poised to make a decision but because of problems and materials
34 that were not received, the matter had to be continued. In the interim the developer filed a
35 request that a decision be rendered within 45 days. That request was filed in December. Both
36 sides had threatened to take legal action if the City failed to decide in their favor. The threat of
37 litigation was not something the City took lightly but it also was not something that intimidated
38 the Commission in making their decision. The charge of the Commission was to do their best
39 with the information available.

40
41 (19:13:36) Planning Director, Michael Black, showed slides of the site. He explained that the
42 applicant's request was consistent with the RM zoning designation granted to the property by
43 Salt Lake County. The request was for three office buildings totaling approximately 42,000
44 square feet. The property was described as approximately 5.12 acres of previously undeveloped
45 property at 7755 South Wasatch Boulevard. He noted that the site was covered with scrub oaks

1 and other trees. He estimated that one-third of the property was flat. He recognized that was
2 often overlooked since 65% of the property was sloped.

3
4 Mr. Black reported that the property was zoned RM by the County on March 9, 2004. There had
5 been some reports that the County did not follow proper procedure when noticing the public
6 hearing for the zone change. Because of that, the City conducted research after being
7 incorporated. Mr. Black reported that he actually conducted the research himself in June 2005.
8 He found that there was a well documented system in the file that showed that the County
9 followed its procedures for the rezone. A timeline of events pertaining to the request was kept.

10
11 Mr. Black discussed the role of the Planning Commission and explained that the Planning
12 Commission had the authority to make decisions regarding conditional uses, however, they are
13 required to follow the state and local codes. The state code says that the City shall approve a
14 conditional use if reasonable conditions are proposed or can be imposed to mitigate the
15 reasonably anticipated detrimental effects of the proposed use in order to deny a conditional use.
16 The Planning Commission must make a supported finding that the reasonably anticipated
17 detrimental effects of a proposed conditional use cannot be substantially mitigated by the
18 proposal or the imposition of reasonable conditions. The state does not expect or require that the
19 City eradicate detrimental effects; only that they mitigate them within reason.

20
21 (19:17:50) Mr. Black described the review process and stated that it took two years because of
22 the sensitive lands concerns on the project site. Staff began the review with the requirement that
23 the developer file a new application for conditional use with the City. The applicants had
24 previously applied for conditional use approval with the County, but before a final decision
25 could be made on the project, the City incorporated and the County closed the file without a
26 decision. After staff received a complete application, they began to look at the geology of the
27 site and required the developer to submit multiple reports and redo trenches to substantiate the
28 information they were providing. That process took over one year. Once the developer was able
29 to show that there were some buildable areas on the property, staff was able to move forward
30 with the remainder of the review. The site plan review entailed reviewing all points of the site
31 plan from grading to architecture and landscaping. The process also included a review by the
32 Architectural Review Commission. With the site plan review staff was able to propose
33 conditions to be imposed upon the developer and the development to mitigate the anticipated
34 detrimental effects. In total, 45 conditions were proposed.

35
36 The surrounding zoning in the area was described. Mr. Black displayed a table showing the total
37 impervious area of the site as 35%, including all of the building footprints and hard surfaces of
38 the site. It also showed that the formal and informal landscaped areas occupied about 65% of the
39 site. He explained that the Sensitive Lands Ordinance requires that no development in the
40 Sensitive Lands Zone have a total impermeable surface of more than 35% of the total property.

41
42 The site layout was discussed showing the buildings and their relationship to fault lines.
43 Mr. Black reported that there were fault lines on the property and many reports had been written
44 and trenches dug. He expected there would be more trenches dug when the buildings are
45 excavated. A rendering of the site showing the topography was displayed. With regard to

1 parking, Mr. Black stated that the City would have to enforce parking minimums. The maximum
2 for the medical uses would be 3.5 spaces per 1,000 net square feet of leasable floor area.

3
4 (19:23:48) With regard to landscaping, the City worked with the developer and his landscape
5 architect to arrive at the current landscape plan. The plan showed an increase in vegetation
6 around the site with new trees, native grasses, and annuals. There would be a healthy mix of
7 deciduous and evergreen trees throughout the development. The amount of new vegetation and
8 the existing vegetation to remain would be used to beautify the property and screen it from
9 adjacent uses. A great deal of the existing scrub oak was to be retained on site. The pedestrian
10 plan was described.

11
12 Architecture was reviewed. Mr. Black stated that the proposed architecture for the development
13 was designed to fit in as well as possible with the area. The Architectural Review Commission's
14 recommendations were included in the list of conditions provided to the Commission Members.
15 Lighting issues were reviewed. It was noted that all lights would be downward pointed and
16 adjustable.

17
18 Mr. Black stated that the proposed project was in the Sensitive Lands Area. The City Engineer
19 and City Geologist could attest to the fact that the applicants had met the conditions of those
20 areas.

21
22 Mr. Black read the following statement:

23
24 Throughout the development process, the City has tried to balance the property
25 rights of the landowner with the requests and demands of other parties. We also
26 have to be sure that they do not violate the state code or our own code in doing so.
27 We have operated within the code that is adopted and have processed the
28 applications accordingly. In some cases, we stepped outside of the state
29 requirements on our own and had more meetings than what is usually required or
30 thought to be adequate for a conditional use of this nature. All of these meetings
31 were held in an attempt to gain information from the public and to give information
32 to the public. The City has had seven public meetings, excluding Architectural
33 Review Commission Meetings and Development Review Commission Meetings.
34 Most conditional uses are justified with one public meeting or one public hearing.
35 With regard to the appropriateness of the land use, if this property owner came to
36 the City with a request for a zone change, the recommendation from staff would
37 have likely been much different. However, the City did not have the opportunity to
38 comment on that as zoning was approved before the City incorporated. The City
39 has had a policy not to do anything that would diminish any person's property
40 rights of values within the City. We processed the application with due diligence
41 and every condition being proposed today is one that was arrived at through a
42 thorough review of potential detrimental effects and staff is convinced that these
43 conditions will improve the project and better protect the neighborhood. We
44 understand that there are some people in the audience tonight who believe we, as
45 the staff, Planning Commission, and City Council have not done everything that we
46 could to protect them and their property rights. I have to say that I disagree and

1 that I personally have worked on the project for nearly three years, not for the
2 developer and not for myself, but representing the City's interests and those of the
3 area residents. I have done everything within my power and to the extent of the
4 law to review this project and proposed legal conditions and changes of the
5 development proposal that will be in the interest of preserving the health, safety,
6 and welfare of the City.

7
8 (19:32:25) The City Geologist reported that a series of studies were performed on the property.
9 Recommendations were made for additional information which was provided and reviewed. He
10 was in the process of making recommendations for final conditions when another geologist was
11 asked to review the property. He asked that additional work be done in order to confirm the
12 original findings. That work was done and taken into account and weighed against the standard
13 of practice with fault zones and end zones. The geologist came to the conclusion that sufficient
14 mitigation was done to make the proposed use of the property viable.

15
16 City Engineer, Brad Gilson, reported that Jason Davis, the UDOT Deputy Region Director, was
17 unable to attend tonight's meeting. With regard to traffic Mr. Gilson was asked to give a brief
18 overview of the applicant's access permit along Wasatch Boulevard. He stated that UDOT had
19 granted an access where they believed would be the best location. Other alternatives were
20 analyzed including Prospector Drive. No additional appreciable additional safety benefits were
21 provided. The additional counts represented only 14,000 cars per day and were far less than the
22 counts used in the studies. The traffic counts generated by the Wasatch Office Complex
23 represented a very small percentage of the total traffic on Wasatch Boulevard. UDOT indicated
24 that there were adequate opportunities to make a safe left hand movement with the current timing
25 of the two controlled signalized intersections. A resident raised an issue that the stretch of
26 roadway was classified by UDOT as a roadway requiring a signalized access. Any signalized
27 access for this type of classification would require one-half mile spacing per state law for a
28 signal. UDOT must grant an access by state law and as such, issued a number of significant
29 mitigating requirements as part of their permit. The access was also located on a flat portion of
30 Wasatch to preserve the maximum vertical site distance while allowing adequate spacing. In
31 their discussions with UDOT it was indicated that the access point was similar to hundreds of
32 other access points on high volume roadways throughout the valley.

33
34 (19:37:33) In response to a question raised, Mr. Gilson stated that UDOT spent a lot more time
35 with this particular access permit than they generally do with others. They spent a great deal of
36 time considering the site circumstance. It was suggested that UDOT apply an A through F
37 categorization for site location like they do for traffic failure based on how the area functions.

38
39 Commissioner Frost was not convinced with regard to the geology work. She had read a lot of
40 reports and could not understand why there were so many conflicting reports. Mr. Gilson stated
41 that there are often professional differences among geologists but on specifics he did not see a
42 pattern of things that were missed in the prior reports. There seemed to be a series of more and
43 more detailed work to reach a higher level of confidence. The later reports seemed to confirm
44 the prior reports.

1 Mr. Gilson explained that because there is a thick area of historic manmade fill that overlays a
2 very thick area of material, trenching more than 20 feet becomes problematic from a safety point
3 of view. He recommended there be verification in deep areas of sediment so that when
4 excavation is done for the buildings, there is digging across the building areas to reconfirm the
5 findings in the first few studies that there are no fault ruptures.

6
7 (19:43:29) *Commissioner Haymore moved that whereas the property has previously been*
8 *zoned and is currently zoned RM and whereas the facts seemed to have been exhaustively*
9 *reviewed and reasonable mitigating conditions can be imposed that he believed were addressed*
10 *in each instance by the staff report as printed, including the amendments and additions, that*
11 *the applicant's request for a conditional use be granted subject to the following conditions and*
12 *requirements:*

13
14 *(**insert conditions here)*

15
16 *The staff report shall include those changes and verbiage which would change the staff report*
17 *from suggestion to requirement and that the requirement for interior lighting to exterior*
18 *lighting as discussed in the work meeting be applicable. In addition, the additional condition*
19 *that was not published in the staff report but that was discussed previously regarding the*
20 *security of the parking lot during non-work hours be imposed.*

21
22 **

23
24 ***Planning:***

25
26 *(changes referenced to the following conditions)*

27
28 2. *Exterior lighting shall cut off at 9:00 p.m.*

29
30 5. *The development shall designate snow stacking areas on the site plan and on site with*
31 *signage.*

32
33 20. *One four-inch caliper tree of a deciduous nature approved by staff will be required to*
34 *replace the box elder tree being removed due to Building 2's location.*

35
36 21. *Per this conditional use approval, the use for this property shall be limited to office,*
37 *business and/or professional medical, optical, or dental offices or laboratories.*

38
39 26.

40
41 27. *All on-site and off-site improvements shall be concluded before final occupancy is*
42 *granted for any buildings.*

43
44 ***Engineering***

1 **9. *Provide utility crossings and profile and add flexible expansion joints where utilities***
2 *cross false _____.*

3
4 ***Geologist Conditions:***

5
6 **3. *Excavate an additional trench in the area of Building 1 and Building 2 to a depth of 15***
7 *to 20 feet to confirm the findings of the _____ 2004 and Western Geologic 2006 and*
8 *2007 reports and the proposed locations of these buildings prior to issuance of building*
9 *permit.*

10
11 ***Commissioner Rosevear seconded the motion.***

12
13 It was important to Commissioner Haymore that the motion include the preamble statements. If
14 the property was zoned R-1-8 and the Commission was asked to rezone it to RM he would not
15 support it under any circumstance. He would not be in favor of a zone change to RM for the
16 property and he thought it would be inappropriate based on many of the reasonings and public
17 policies for which the community chose to incorporate. Because the property was zoned RM, he
18 thought the developer with staff and the community had worked together to identify the
19 reasonably anticipated potential detrimental effects. Staff had also worked with the developer
20 and the community to impose reasonable mitigating conditions. He stated that the matter had
21 been exhaustively reviewed and he was impressed with the process and the input. While he
22 would not personally be in favor of a zone change, he thought the proposed project would be
23 very good because of the conditions placed on it.

24
25 Commissioner Frost stated that the Commission wanted the community's support for what was
26 being done in the City. She thought the issue was very conflicted. She believed the
27 Commission's responsibility was to the community first and to those who choose to change the
28 use of the community. She was concerned with the City's hillsides and planned to work to
29 secure them. She commended the community for the work they had done. She had questions on
30 the geology and was not comfortable with it. She did not feel mitigated as a Planning
31 Commissioner that the health, safety, and welfare of the community was being met with the
32 project.

33
34 Commissioner Ryser wished there could be this kind of community involvement on other issues.
35 She acknowledged that the issue had been a difficult one. She thought it was a good project but
36 not located in an ideal location. She did not feel good about the project but could not identify
37 any legal issues that would justify denial.

38
39 Commissioner Rosevear was comfortable with all of the recommendations received from the
40 professionals and supported staff's recommendation. In reading through the conditions, she
41 liked that the City had the right to re-review the project going forward. She thought the
42 Commission had done a good job of fulfilling their duty as described by the State Legislature.

43
44 (19:55:39) Commissioner Armstrong did not feel comfortable with the project. His major
45 concern was with the access onto Wasatch Boulevard. He realized that all of the legalities had
46 been complied with and he saw no justification to deny the project.

Commissioner Nicholl thought Commissioner Haymore's comments summed up his feelings on the project adequately. Chair Bowen agreed and stated that many asked that the Commission deny the request. He believed there was some sentiment that the Commission would like to do that, but legally there was no basis for it. Alternatively, conditions were imposed in an attempt to mitigate whatever adverse impact it might have on the neighborhood. He thought the Commission had done the best it could do. He appreciated the concerns and input from the citizens. The Commission tried to address those concerns and work with everyone in the process.

Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Nay, Doug Haymore-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Nay, J. Thomas Bowen-Aye. The motion passed. Alternate Jerri Harwell did not participate in the vote.

Commissioner Haymore was excused from the remainder of the meeting.

3. Public Hearing – Amendment to Title 12.20.060(j) Flag Lots Permitted – Wentworth Development.

(20:04:50) Associate Planner, Glenn Symes, reported that an application was received for a text amendment to the flag lot ordinance. The request initially was a change to the maximum stem length of 200 feet. Staff felt that was excessive and there would be a great deal involved in such a change. Staff spoke with the applicants and decided that 150 feet would be a better alternative. The ordinance was reviewed to make the changes necessary to increase the stem length. The proposed changes were provided to the Commission Members the previous Tuesday. Mr. Symes reported that the amendment was initiated by an applicant.

Chair Bowen opened the public hearing.

Developer Nate Fotheringham gave his address as 10714 South Jordan Gateway. He expressed appreciation to staff for their help. They had purchased a piece of property containing a dilapidated structure and were trying to figure out how it could be developed and improved. In the flag lot ordinance there was a 100-foot restriction on the driveway portion of the lot. One of the issues was that a minimum 8,000 square foot lot is required. The minimum lot width was 65 feet. If the driveway is required to be 100 feet with a width of 65 feet, there would only be 6,500 square feet remaining, which would not meet the code minimum for lot size. The second challenge was that it provides very difficult building lots where areas cannot be improved with homes that are livable. They looked at surrounding municipalities to become familiar with maximum lengths. Mr. Fotheringham asked for the Commission's consideration in making the proposed change.

There were no further public comments. The public hearing was closed.

In response to a question raised by Commissioner Armstrong, Mr. Black explained that the 100 feet and the 12-foot width came from discussions with the Fire Department. Initially staff was satisfied with the 12-foot width as long as it was only 100 feet long. That would allow

1 emergency vehicles to park on the public street. Any driveway longer than 100 feet would
2 require an apparatus access down the driveway. That was the reasoning behind the wider width.
3 The fire turnaround would have to be 150 feet.

4
5 The requirements of neighboring cities were reviewed. Mr. Symes explained that at 100 feet the
6 stem would only need to be 17 feet wide rather than the full 20 plus the landscaping. Flag lot
7 issues were discussed.

8
9 (20:16:45) Chair Bowen suggested the matter be continued to allow staff to look at some of the
10 issues discussed to see if there was a way to resolve the situation. He was unsure whether it was
11 proper for the Commission to make a change just to accommodate a particular property owner.
12 Mr. Symes remarked that the applicants paid a \$1,200 fee to request the change.

13
14 Commissioner Nicholl stated that since he received the document the previous day he had been
15 in communication with Mr. Symes. He thought the request warranted more in-depth study.

16
17 (20:17:53) *Commissioner Nicholl moved to table the matter until the February 6 meeting.*
18 *Commissioner Frost seconded the motion.*

19
20 Mr. Fotheringham stated that they included the 200 feet in the application because they knew the
21 code change would affect the entire City. He did not think the modification should be directed at
22 their one lone development.

23
24 *Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy*
25 *Rosevear-Nay, Sue Ryser-Aye, J. Thomas Bowen-Aye. The motion passed. Commissioner*
26 *Haymore was not present for the vote. Alternate Jerri Harwell did not participate in the vote.*

27
28 **4. Public Hearing – Conditional Use Permit – Hyeongoo Kim.**

29
30 (20:20:05) Mr. Symes presented the staff report and stated that the applicant was requesting a
31 conditional use permit at 1525 East Fort Union Boulevard. The request was for an acupuncture
32 clinic, which fell under “clinic for health professionals” in the conditional uses in the
33 neighborhood commercial zone. The matter was noticed for a public hearing, but due to
34 scheduling conflicts, it still required approval from the Architectural Review Commission. Staff
35 felt the application met all of the requirements of the neighborhood commercial zone, the
36 conditional use ordinance, and the off-street parking ordinance. He proposed the Commission
37 defer approval to the Planning Director subject to approval of the Architectural Review
38 Commission.

39
40 Chair Bowen opened the public hearing.

41
42 (20:22:30) Bud Zirker gave his address as 6893 Cormorant Circle and remarked that the
43 proposed change would be to a property that is approximately 50 feet from their cul-de-sac
44 entrance. He wanted to know more about the parking issues. He had looked at the property and
45 unless it is completely raised and a new property built at the rear of the site, there was no way to
46 get parking either in front of or behind the present building. He stated that they may be able to

1 park four cars on the front off-street, but they could not get to the back of the property because
2 there is not enough room on either side. Mr. Zirker was present representing the 10 families on
3 Cormorant Circle. They did not want a business developed on the site that will impact their
4 circle. He envisioned cars parked on both sides of the street. The residents were opposed to any
5 action that would restrict parking on the site.

6
7 Mr. Symes acknowledged that parking was an issue on the site. As proposed, the site plan met
8 the off-street parking ordinance requirements. There was limited space which would limit the
9 usable space in the building. Under the adopted parking standards, 2 ½ parking stalls per 1,000
10 square feet were required.

11
12 Chair Bowen thought one of the conditions ought to be no parking on Cormorant Circle.
13 Mr. Symes agreed and recommended that the applicant explore a cross-access agreement or
14 shared parking agreement with the business next door. He explained that it would not be a
15 problem to add a condition prohibiting parking on Cormorant Circle but that it would be difficult
16 to require the applicants to obtain a cross-parking easement for more parking than what is needed
17 when they have already met the minimum. He explained that the applicants had more square
18 footage in the building than they would be using.

19
20 *(20:28:30) Commissioner Rosevear moved to delegate approval of the conditional use permit to*
21 *staff whereas the applicants have met all of the standards to receive the permit. Approval was*
22 *subject to endorsement by the Architectural Review Committee and the restriction on off-street*
23 *parking on Cormorant Circle. Commissioner Armstrong seconded the motion.*

24
25 Mr. Black informed concerned citizens that Kevin Smith at the City Offices could be contacted
26 about parking concerns. He commented that signage was not out of the question. Parking
27 requirements were discussed. Mr. Black suggested the Commission require three parking stalls
28 per 1,000 square feet plus three additional stalls for employees.

29
30 *Commissioner Rosevear withdrew her motion. Commissioner Armstrong withdrew his*
31 *second.*

32
33 *(20:35:40) Commissioner Rosevear moved to direct staff to provide the Commission with an*
34 *administrative interpretation of the minimum parking standard for the development and that a*
35 *decision be postponed on the application until a recommendation is received from the*
36 *Architectural Review Committee. Commissioner Frost seconded the motion. Vote on motion:*
37 *Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-*
38 *Aye, J. Thomas Bowen-Aye. The motion passed. Commissioner Haymore was not present for*
39 *the vote. Alternate Jerri Harwell did not participate in the vote.*

40
41 **5. Discussion Item – Hand Out – Making Effective Public Comments: A Citizen's**
42 **Guide to the Public Process Regarding Planning Applications.**

43
44 Chair Bowen remarked that he edited the document and gave his suggestions to staff.
45 Commissioner _____ made other changes she agreed to email to Mr. Black. She thought

1 some of the language was technically correct but when considering that many of the people
2 reading it don't have the background, she thought it needed to be more layman-friendly.

3
4 Chair Bowen encouraged the Commission Members to submit recommended changes to
5 Mr. Black as soon as possible in an effort to get a final approval the following week.

6
7 **6. Approval of Minutes – December 5, 2007.**

8
9 (20:38:00) Chair Bowen had reviewed the minutes of October 3 and referenced page 8 where a
10 comment attributed to him was actually made by Don Machen.

11
12 Recommended modifications were made to the December 5 meeting.

13
14 (20:40:11) *Commissioner _____ moved to modify the October 3, 2007, minutes.*
15 *Commissioner _____ seconded the motion. Vote on motion: Geoff Armstrong-Aye,*
16 *JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Aye, J. Thomas*
17 *Bowen-Aye. The motion passed. Commissioner Haymore was not present for the vote.*
18 *Alternate Jerri Harwell did not participate in the vote.*

19
20 *Commissioner _____ moved to approve the December 5, 2007, minutes, as amended.*
21 *Commissioner _____ seconded the motion. Vote on motion: Geoff Armstrong-Aye, JoAnn*
22 *Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-Aye, J. Thomas Bowen-Aye.*
23 *The motion passed. Commissioner Haymore was not present for the vote. Alternate Jerri*
24 *Harwell did not participate in the vote.*

25
26 Commissioner Armstrong stated that he was misquoted in the October 17 minutes.

27
28 (20:41:24) *Commissioner _____ moved to approve the October 17 minutes as amended*
29 *by Commissioner Armstrong. Commissioner _____ seconded the motion. Vote on motion:*
30 *Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy Rosevear-Aye, Sue Ryser-*
31 *Aye, J. Thomas Bowen-Aye. The motion passed. Commissioner Haymore was not present for*
32 *the vote. Alternate Jerri Harwell did not participate in the vote.*

33
34 **7. Action Item – 2008 Meeting Calendar.**

35
36 (20:40:29) Chair Bowen remarked that he made a mistake on the meeting calendar. He
37 explained that when the Commission approved the calendar they deleted the November 19
38 meeting scheduled the third Thursday in November. It was eliminated in 2007 because the third
39 Wednesday was the day before Thanksgiving. In November 2008, they did not have that
40 problem because of Leap Year. As a result, they were one week and one day away from
41 Thanksgiving. He suggested a meeting be held on November 19. Chair Bowen asked about the
42 scheduled December 17 meeting and asked if there should be two meetings in December. It was
43 decided that there would be one meeting in December.

1 **8. Planning Director's Report.**

2
3 There was no Planning Director's Report.

4
5 **9. Adjournment.**

6
7 *Commissioner Armstrong moved to adjourn. Commissioner Nicholl seconded the motion.*
8 *Vote on motion: Geoff Armstrong-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Amy*
9 *Rosevear-Aye, Sue Ryser-Aye, J. Thomas Bowen-Aye. The motion passed. Commissioner*
10 *Haymore was not present for the vote. Alternate Jerri Harwell did not participate in the vote.*

11
12 The Planning Commission Meeting adjourned at 8:42 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, January 9, 2008.*

3
4
5
6 

7
8
9 Teri Forbes
10 T Forbes Group, Inc.
11 Minutes Secretary

12
13
14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, January 16, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

12 **City Staff:**

13
14 J. Thomas Bowen, Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Jerri Harwell, Alternate
18 Doug Haymore
19 Jim Keane
20 Gordon Nicholl
21 Amy Rosevear, Alternate
22

14 Michael Black, Planning Director
15 Glenn Symes, Associate Planner
16 Sherry McConkey, Planning Coordinator

23 **REGULAR MEETING**

24
25 Chairman J. Thomas Bowen called the meeting to order at 7:03 p.m. Procedural issues were
26 reviewed.

27
28 **1. Public Comment.**

29
30 There were no public comments.

31
32 **2. Action Item – Amended Conditional Use – Hillside Plaza.**

33
34 (19:01:15) Associate Planner, Glenn Symes, presented the staff report and stated that the request
35 was for a remodel to the Hillside Plaza. Tonight the review would be to the rooftop screening
36 requirements to the southwest pad located at 2343 East Fort Union Boulevard. He provided the
37 Commission Members with the portion of the Neighborhood Commercial Zone dealing with the
38 requirement. The applicants proposed screening measures. Mr. Symes' understanding was that
39 the Planning Commission would like staff to work to create a better color.

40
41 Winter Delamare of Winter Delamare Associates, introduced himself as the architect for Duncan
42 Properties who purchased the most easterly building. The location of the building was identified
43 on the site map. Mr. Delamare remarked that he had done similar projects with Duncan
44 Properties in the past. He stated that the zoning ordinance required screening of the rooftop
45 units. Four of the existing rooftop units would be eliminated and seven additional units would be
46 added. He explained that screening the roof per the code did not solve the issue. He did not

1 want to create more penetration around the units. He showed what he thought was a reasonable
2 solution but in looking at how the neighboring houses look over it, it did not screen the units.
3 The only way to do it properly would be to build a wall up high enough, which was
4 economically infeasible for what he characterized as secondary properties in the market.

5
6 (19:06:13) Chair Bowen commented that staff's recommendation was to approve the submittal.
7 The only question had to do with the color of the screening material. It was suggested that that
8 be left to staff to work out with the applicant rather than have the Commission arbitrarily pick a
9 color tonight. Mr. Delamare was comfortable with that. His preference was to eliminate the
10 screens, which could not happen.

11
12 In response to a question raised by Commissioner Armstrong, Mr. Delamare commented that the
13 screens would be approximately five-feet high and far enough around to allow workmen to get
14 inside of them and get in and around the machinery. The screening would be done with one-foot
15 kept above the roof. He stated that the screening would be three-sided.

16
17 (19:07:12) Chair Bowen opened the public hearing. There were no public comments. The
18 public hearing was closed.

19
20 (19:07:21) *Commissioner Frost moved to approve agenda item number two, regarding the roof*
21 *screening on the Hillside Plaza property with staff approving the final color with the*
22 *applicant. Commissioner Harwell seconded the motion. Vote on motion: Tom Bowen-Aye,*
23 *Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, JoAnn*
24 *Frost-Aye, Jerri Harwell-Aye, Amy Rosevear-Aye. The motion passed unanimously.*

25
26 **3. Consent Calendar – Conditional Use Permit – Short Term Rentals.**

27 **The Planning Commission received public comment and took action on a request**
28 **for conditional use permits for short term rentals located at the addresses listed**
29 **below:**

- 30
31 • **3550 East Wasatch Grove Lane**
32 • **3555 East Rustic Springs Lane**
33 • **3567 East Wasatch Hills Lane**
34 • **3569 East Lone Brook Lane**
35 • **3580 East Lone Brook Lane**
36 • **3569 East Rustic Springs Lane**
37 • **3570 East Rustic Springs Lane**
38 • **8141 South Clover Springs Lane**
39 • **8152 South Clover Springs Lane**
40 • **8252 South Wasatch Grove Lane**
41 • **8268 South Wasatch Grove Lane**
42 • **8272 South Wasatch Grove Lane**

43
44 (19:08:35) Planning Coordinator, Sherry McConkey, presented the staff report and reported that
45 what was presented were 12 short-term rental applications. Each unit was located in The Oaks at
46 Wasatch and all had gone through an application process that included a background check of

1 the property to make sure there were no outstanding violations. There had been no noise
2 complaints, loud parties, or calls to the sheriff's office. Bedrooms and beds had been inspected
3 in each unit as well as smoke detectors, fire extinguishers, and carbon monoxide monitors. Five
4 of the units contained hot tubs that were verified to have covers. All units were found to be in
5 compliance with the ordinance. Staff recommended approval.

6
7 Chair Bowen invited public comment.

8
9 Staff confirmed that all of the units met the required setbacks.

10
11 There were no further public comments. The public comment period was closed.

12
13 (19:10:37) In response to a question raised, Ms. McConkey reported that she received only one
14 phone call on the matter that had to do with the inspection process. Another gentleman came in
15 to the office and expressed concern about the number of short-term rentals at The Oaks.

16
17 Noticing issues were discussed. Ms. McConkey stated that the applicants noticed their neighbors
18 and the City noticed 300 feet around the properties.

19
20 (19:11:34) *Commissioner Frost moved to approve item number three on the consent calendar*
21 *subject to the following staff condition:*

- 22
23 1. *Each approved short-term rental property is required to maintain compliance with all*
24 *sections and sub-sections of Chapter 19.89 of the Cottonwood Heights Municipal Code*
25 *and all other legal requirements and all other applicable laws.*

26
27 *Commissioner Nicholl seconded the motion. Vote on motion: Tom Bowen-Aye, Gordon*
28 *Nicholl-Aye, Geoff Armstrong-Aye, Doug Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye,*
29 *Amy Rosevear-Aye. The motion passed unanimously.*

- 30
31 4. **Action Item – Handout – Making Effective Public Comments: A Citizen's Guide to**
32 **the Public Process.**

33
34 (19:12:30) Planning Director, Michael Black, asked that the Commission Members make
35 revisions to the draft document and submit them no later than January 25 in order for him to
36 make changes prior to the next meeting scheduled for February 6.

37
38 Chair Bowen suggested the matter be put on the next agenda for review only. It would then be
39 set for a final decision on February 20.

- 40
41 5. **Action Item – Election of the 2008 Planning Commission Chairman and Vice**
42 **Chairman.**

43
44 (19:15:53) Chair Bowen reported that his term was set to expire and a new Chairman and Vice
45 Chairman needed to be appointed.

1 *Chair Bowen nominated Gordon Nicholl to serve as Chairman. Commissioner _____*
2 *seconded the nomination.*

3
4 There were no other nominations for Chairman.

5
6 *Vote on nomination: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
7 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
8 *unanimously.*

9
10 Gordon Nicholl agreed to assume the Chair at the next meeting.

11
12 *Commissioner Keane nominated Doug Haymore to serve as Vice Chairman. Commissioner*
13 *Nicholl seconded the nomination.*

14
15 Commissioner Haymore appreciated the nomination but out of a sense of obligation he wanted to
16 understand the duties involved before accepting. Chair Bowen stated that the Vice Chairman's
17 duties were the same as the Vice President and briefly described the duties. Commissioner
18 Haymore agreed to serve.

19
20 There were no further nominations.

21
22 *Vote on nomination: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
23 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
24 *unanimously.*

25
26 **6. Planning Director's Report.**

27
28 (19:18:21) Mr. Black reported that staff was still working on the City Center Master Plan. The
29 City Council was set to review it next week after which it would be brought back to the Planning
30 Commission as an informal agenda item.

31
32 Mr. Symes commented that at the last meeting there was a discussion about the flag lot
33 ordinance. It would be discussed again at the next meeting. He asked if there was anything in
34 particular the Commission wanted him to explore. Commissioner Armstrong thought it might be
35 a good idea to require flag lots be a minimum of one-half acre in size. He asked that staff give
36 some thought to that. Chair Bowen stated that there was some concern with flag lots and the
37 desire to not inundate the City with small subdivisions through the flag lot ordinance.

38
39 Chair Bowen commented that there was a large truck in the parking lot of the new soon to be
40 health spa with a large sign on it. It was an old rental van that was backed up to 2300 East.
41 There was no question in Commissioner Nicholl's mind that it violated the City's sign ordinance.
42 He asked that the Code Enforcement Officer look at it. Mr. Black agreed to pass the concern
43 along but was unsure anything would happen right away. He stated that there were a lot of sign
44 violations in the City currently and there had been some discussion as to whether the sign
45 ordinance was too restrictive.

1 Commissioner Frost remarked on the old Health Rider Building and stated that the ground had
2 been turned into a parking lot. Mr. Black stated that the owners had met all of the storm water
3 requirements and the property was indeed being used as a temporary parking lot. The owners
4 planned to begin construction on the parking structure for the fifth building shortly. Upon
5 completion, the area would be completely restored.

6
7 Commissioner Keane referred to the "Mafia House" and stated that at the time it was denied
8 there were bulldozers on the property. He asked what was taking place currently on the site.
9 Mr. Black responded that the property was being remodeled and that everything taking place on
10 the site was in compliance with the RR Zone. Although it appeared that they were doing a
11 commercial renovation, they were not, and the same could be done anywhere in the Residential
12 Zone. He noted that the matter was on the agenda the following week with the City Council.
13 Chair Bowen stated that the City Council heard the matter the prior week, however, because of
14 noticing requirements no decision was made. It was scheduled for a decision before the City
15 Council at the next meeting.

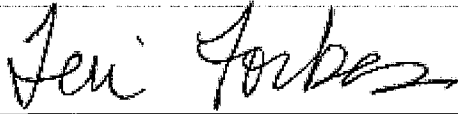
16
17 (19:23:50) Mr. Black stated that the delay was attributed to a throw back to pre-LUDMA. He
18 explained that Utah Code requires the City Council to hold a public hearing on any General Plan
19 amendment. Staff would be recommending a change very shortly.

20
21 **7. Adjournment.**

22
23 (19:24:15) *Commissioner Harwell moved to adjourn. Commissioner Armstrong seconded the*
24 *motion. Vote on motion: Tom Bowen-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Doug*
25 *Haymore-Aye, Jim Keane-Aye, JoAnn Frost-Aye, Amy Rosevear-Aye. The motion passed*
26 *unanimously.*

27
28 The Planning Commission Meeting adjourned at 7:25 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, January 16, 2008.*

3
4
5
6 

7
8
9 Teri Forbes

10 T Forbes Group

11 Minutes Secretary

12
13 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, February 6, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

City Staff:

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 Geoff Armstrong
18 JoAnn Frost
19 Jerri Harwell, Alternate
20 Doug Haymore
21 Jim Keane
22 Amy Rosevear, Alternate
23

Glenn Symes, Associate Planner
Sherry McConkey, Planning Coordinator

24 **REGULAR MEETING**
25

26 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
27 reviewed.
28

29 **1. Public Comment.**

30
31 There were no public comments.
32

33 **2. Continued Action Item – Amendment to Title 12.20.060 (j) Flag Lots Permitted –**
34 **Wentworth Development.**
35

36 (19:01:17) Associate Planner, Glenn Symes, presented the staff report and stated that the matter
37 was continued from the January 9 meeting. The application was for a zoning text amendment
38 requesting the length of the stem for a flag lot be changed from 100 to 150 feet. Staff
39 incorporated the request along with other changes into a proposed flag lot ordinance that was
40 presented to the Commission.
41

42 Nate Fotheringham of Wentworth Development was present. He stated that they purchased a
43 piece of dilapidated property that they were trying to improve. They were looking at the
44 possibility of a flag lot when staff realized there were some issues with the restriction of a 100-
45 foot driveway in the code. The lot was 8,000 square feet in size and the minimum width was
46 required to be 65 feet. In the end, they would fall short of meeting the requirement. After

1 working with staff and looking at the surrounding municipalities, the proposed 150-foot length
2 seemed typical. Mr. Fotheringham expressed appreciation to staff for their efforts.

3
4 In response to a question raised, Mr. Fotheringham stated that the property was .8 acre in size. It
5 comprised two parcels of just under one-half acre each.

6
7 Chair Nicholl opened the meeting to public comments. There were no members of the public
8 who wished to speak.

9
10 (19:05:10) *Commissioner Rosevear moved to approve the changes as recommended by*
11 *planning staff with the following adjustments:*

- 12
13 1. *To Section D - 12.20.060 of the Flag Lot Ordinance, remove the last sentence due to*
14 *redundancy.*
- 15
16 2. *The remainder of the page should include the requirements recommended by staff with*
17 *the new setbacks in the RR and F Zone as 30 feet.*
- 18
19 3. *To Section K, adjust the wording to indicate that the private lane access in the flag lot*
20 *shall include a paved driveway that is at least 12 feet wide and a landscape buffer that*
21 *is at least five feet wide on the outside boundary of the outside property line for private*
22 *lanes that are 100 feet.*
- 23
24 4. *Add Section L to indicate that lanes greater than 100 feet up to 150 feet shall include a*
25 *driveway that is at least 20 feet wide and a landscape buffer that is at least five-feet*
26 *wide on the outside boundary of the property line.*
- 27
28 5. *Delete from Section K, "for the RR and F residential zones, the private lane will not*
29 *exceed 300 feet in length".*
- 30
31 6. *Add the requirement that a solid visual barrier of six-feet in height be required along*
32 *the outside boundary of the property line from the front yard setback of the zone the*
33 *flag lot is in.*
- 34
35 7. *Change "Unified Fire Authority" to "Fire Authority" throughout the ordinance.*

36
37 *Commissioner Bowen seconded the motion. Vote on motion: Geoff Armstrong-Aye, J.*
38 *Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-*
39 *Aye, Amy Rosevear-Aye, Gordon Nicholl-Aye. The motion passed unanimously.*

40
41 3. **Consent Calendar – Conditional Use Permit – Short-Term Rentals.**

42
43 (19:11:42) Chair Nicholl opened the meeting to public comment. There were no members of the
44 public wishing to speak.

1 *Commissioner Bowen moved to approve the consent agenda. Commissioner _____*
2 *seconded the motion. Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn*
3 *Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye,*
4 *Gordon Nicholl-Aye. The motion passed unanimously.*
5

6 **4. Approval of Minutes – January 9, 2008 and January 16, 2008.**
7

8 (19:12:28) Commissioner Bowen made corrections to the January 9 minutes.
9

10 *Commissioner Bowen moved to approve the minutes of January 9, 2008, as amended.*
11 *Commissioner Armstrong seconded the motion. Vote on motion: Geoff Armstrong-Aye, J.*
12 *Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-*
13 *Aye, Amy Rosevear-Aye, Gordon Nicholl-Aye. The motion passed unanimously.*
14

15 Modifications were proposed to the January 16 minutes.
16

17 (19:17:54) *Commissioner Haymore moved to approve the minutes of January 16, 2008.*
18 *Commissioner Keane seconded the motion. Vote on motion: Geoff Armstrong-Aye, J.*
19 *Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-*
20 *Aye, Amy Rosevear-Aye, Gordon Nicholl-Aye. The motion passed unanimously.*
21

22 **5. Adjournment.**
23

24 Commissioner Bowen reported that left hand turns were being made out of the new Park Center
25 shopping area. He did not think the “pork chop” was high enough and suggested staff get with
26 the developer and figure out what to do. He pointed out that that was one of the things the
27 Commission had major concerns about. The access was provided based on the developer’s
28 promise that they would prevent motorists from making left-hand turns.
29

30 Commissioner Keane asked that a discussion item on the architectural style for the City be added
31 to the next agenda. He suggested it include the potential expansion of the Gateway zone.
32

33 It was noted that the meeting scheduled for February 20 would be cancelled. The next meeting
34 was scheduled for March 5. Chair Nicholl pointed out that one item was scheduled on the
35 February 20 agenda and several Commission Members would not be in attendance. He
36 suggested the February 20 meeting be cancelled and the one item placed on the March 5 agenda.
37

38 (19:20:45) *Commissioner Armstrong moved to cancel the February 20 meeting and put the*
39 *one scheduled agenda item on the agenda of the meeting scheduled for March 5, 2008.*
40 *Commissioner Haymore seconded the motion.*
41

42 Planning Coordinator, Sherry McConkey, clarified that the February 20 meeting had not yet been
43 noticed.
44

1 *Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri*
2 *Harwell-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye, Gordon Nicholl-Aye.*
3 *The motion passed unanimously.*
4
5 *(19:23:27) Commissioner Bowen moved to adjourn. Commissioner Haymore seconded the*
6 *motion. Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye,*
7 *Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye, Gordon Nicholl-*
8 *Aye. The motion passed unanimously.*
9
10 The Planning Commission Meeting adjourned at 7:25 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, February 6, 2008.*

3
4
5
6 

7
8
9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary

12
13
14 Minutes approved:

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, March 19, 2008**
5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 Perry Bolyard, Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Doug Haymore
20 Amy Rosevear
21

City Staff:

Michael Black, Planning Director
Glenn Symes, Associate Planner

22 **REGULAR MEETING**
23

24 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
25 reviewed.
26

27 **1. Public Comment.**
28

29 There were no public comments.
30

31 **2. Public Hearing – Zone Change – Craig Worthington.**
32

33 (19:05:27) Associate Planner, Glenn Symes, presented the staff report and stated that the request
34 was for a zone change for two properties. The first was located at 6753 South 1300 East and the
35 second was at 6761 South 1300 East. The request was for a zone change from the ORD (Office
36 Research and Development) zone to a Neighborhood Commercial zone. The general plan
37 designation for both properties was mixed-use. The intent was to construct an office building on
38 the properties. He stated that the ORD zone was designed for office complexes, however, some
39 of the requirements made it difficult to develop a property the size of the one proposed. Staff
40 recommended approval of the proposed zone change.
41

42 Mr. Symes stated that one public comment was received from a gentleman who was concerned
43 about a potential retail use. He was not concerned about an office use.
44

45 (19:07:10) The applicant, Craig Worthington, identified himself as the owner of Surety Title. He
46 was seeking to relocate his business into the new building, which he would own. Surety Title
47 would be one of the occupants along with two other mortgage companies. Mr. Worthington
48 intended to construct a two-story building with 5,000 square feet per floor. Chair Nicholl

1 pointed out that 5,000 square feet was the maximum allowed. In response to a question raised,
2 Mr. Worthington stated that the northern portion of the site would be parking.

3
4 Chair Nicholl opened the public hearing. There were no public comments. The public hearing
5 was closed.

6
7 (19:09:20) Commissioner Haymore stated that the Commission could not consider the intent of
8 the current builder but instead the most intense use under the proposed zone change. He asked if
9 an office space as proposed would comply with the ORD zone. Mr. Symes responded that it
10 probably would but that the setbacks were more restrictive for an office building. The setbacks
11 would need to be 50 feet on all sides, which made it somewhat difficult to construct a building.
12 Commissioner Haymore stated that if the ORD zone would allow the proposed building, the
13 zoning could remain ORD. The City would then not have to worry that something more intense
14 could go in. If the requirements make it impossible to develop a reasonably-sized office building
15 there, he had other follow up questions such as whether neighborhood commercial had been
16 approved in surrounding areas. His understanding was that there had been a couple of instances
17 where that had been the case.

18
19 Mr. Symes explained that the two adjoining properties were rezoned to Neighborhood
20 Commercial. Commissioner Nicholl stated that as a result, the properties in question would not
21 have a potential intense use that is any greater than the properties on either side. There would,
22 however, need to be a determination of how it would affect the properties behind it. Mr. Symes
23 stated that the property is in the gateway area and would go through the ARC. A master site plan
24 would be prepared on the property to be presented to the Planning Commission with a public
25 hearing.

26
27 (19:12:00) It was clarified that the properties to the north were existing houses. If the project
28 were allowed to go forward, Commissioner Bowen asked what would prevent someone from
29 acquiring all of the parcels to the north and develop neighborhood commercial. Mr. Symes
30 stated that the City had nothing in place that would stop something like that from happening. It
31 was clarified that the ORD zone allows for greater heights than other zones and allows the
32 Planning Commission to approve up to six stories. There was uncertainty as to whether the City
33 would be worse off with the zoning proposed. It was thought to allow less density and was
34 designated in the general plan as neighborhood commercial. Once the proposed building is
35 completed, no other development could take place on the site.

36
37 (19:14:10) *Commissioner Haymore moved to recommend the requested zone change as is*
38 *consistent with staff's recommendation. Commissioner Armstrong seconded the motion. Vote*
39 *on motion: Doug Haymore-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Gordon Nicholl-*
40 *Aye, Geoff Armstrong-Aye, Amy Rosevear-Aye, Perry Bolyard-Aye. The motion passed*
41 *unanimously.*

42 43 **3. Public Hearing – Conditional Use Permit – T-Mobile.**

44
45 (19:14:43) Mr. Symes presented the staff report and stated that the request was for a conditional
46 use permit for a wireless telecommunications tower extension. The property was located at 2375
47 East Fort Union Boulevard and was identified as the Butler substation. He reported that there
48 was a section in the wireless telecommunications facility ordinance that allows an applicant to

request an extension of up to 80 feet in a public facility zone. There were five criteria that must be met, which were detailed in the staff report. Mr. Symes believed the applicant had met those five requirements and recommended approval of the conditional use with the conditions set forth in the staff report.

The applicant, Matt Hodgen, was present on behalf of T-Mobile. He stated that the request had been in process for nearly two years. Gerome Gourley was identified as the original applicant and asked Mr. Hodgen to express their appreciation to those who put a lot of time and energy into the project. Mr. Hodgen remarked that they looked at several different locations and the one proposed seemed to be the best alternative. The proposal was to add 20 feet to the top of the tower. The increased height would help better serve a very difficult area and prevent them from having to construct a new pole.

In response to a question raised, Mr. Hodgen reviewed the coverage areas. The proposed site would cover roughly from Wasatch Boulevard to 2300 East. It was meant to fill in the gap between Highland Drive and Wasatch Boulevard. To the north and south the intent was to provide service from I-215 to halfway to Bengal Boulevard.

Coverage issues were discussed. Mr. Hodgen stated that in an open area the signals could go 10 to 15 miles. But if a large population of people is put near the tower it will allow only a few hundred phone calls at once. They would have to be tuned so that all of the towers work together to provide coverage over the entire broad spectrum of Cottonwood Heights. He stressed that the number of users affects the coverage. Other factors were identified as terrain and tower height.

(19:21:19) In response to a question raised, Mr. Hodgen stated that all of the carriers shared the same pole. A separation was needed between each carrier. The tower itself was owned by a tower company who had already given permission for the proposed extension. It was clarified that the extension would not be taller than the surrounding power poles.

There were no further public comments.

In response to a question raised by Commissioner Haymore, Mr. Symes confirmed that the pole is within the PF zone.

(20:22:43) *Commissioner Armstrong moved to recommend approval to the City Council of the extension. Commissioner Rosevear seconded the motion. Vote on motion: Doug Haymore-Abstained, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Amy Rosevear-Aye, Perry Bolyard-Aye. The motion passed 6-to-1.*

4. Discussion Item – Architectural Design Standards.

The above matter was discussed during the work session. The Commission decided to work with the Architectural Review Committee further.

5. Discussion Item – Amendments to Chapter 19.82 – Signs.

(19:25:45) Commissioner Rosevear's preference was to have some standards in place rather than be exempt. Previously under the code, political signs were exempt.

1
2 **6. Approval of Minutes of February 6, 2008 and March 5, 2008.**

3
4 Modifications and additions to the minutes were discussed.

5
6 (19:29:40) *Commissioner Haymore moved to approve the minutes of March 5 and continue*
7 *the approval of the February 6 minutes to the next meeting so that the tape can be reviewed.*
8 *Commissioner Rosevear seconded the motion. Vote on motion: Doug Haymore-Aye, J.*
9 *Thomas Bowen-Aye, JoAnn Frost-Aye, Gordon Nicholl-Aye, Geoff Armstrong-Aye, Amy*
10 *Rosevear-Aye, Perry Bolyard-Aye. The motion passed unanimously.*

11
12 **7. Planning Director's Report.**

13
14 Planning Director, Michael Black, reported that the Utah APA conference was scheduled for the
15 following week for those interested in attending. The main focus of the spring conference was
16 typically an update on the Legislative Session. Small town issues were covered as well. The fall
17 conference is typically held in Salt Lake and is much broader. The spring conference is smaller
18 and held outside of major metropolitan areas and caters to smaller communities.

19
20 Mr. Black reported that there was an upcoming Utah League of Cities and Towns Conference
21 that would be held in Salt Lake City in the next couple of months. It would be a one-day
22 conference that the Commission Members were invited to attend.

23
24 It was suggested that Mr. Black determine which conferences cover issues that are most pertinent
25 to the City and bring them to the Commission's attention. One designated member could then
26 attend and report back.

27
28 (19:45:51) Commissioner Bowen asked if a legislative update was scheduled on an upcoming
29 agenda. Mr. Black offered to address that at a future meeting. He reported that Mr. Symes
30 would be getting information from the Utah APA Legislative Liaison. Commissioner Haymore
31 thought it would be interesting to have a legislative update annually about things that affect
32 municipal government and planning. Legislative issues were discussed. Mr. Black reported that
33 the Utah League of Cities and Towns produced a booklet annually of legislative changes
34 affecting cities.

35
36 **8. Adjournment.**

37
38 (19:39:49) *Commissioner Rosevear moved to adjourn. Commissioner Frost seconded the*
39 *motion. Vote on motion: Doug Haymore-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye,*
40 *Gordon Nicholl-Aye, Geoff Armstrong-Aye, Amy Rosevear-Aye, Perry Bolyard-Aye. The*
41 *motion passed unanimously.*

42
43 The Planning Commission Meeting adjourned at 7:40 p.m.

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, August 20, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 **ATTENDANCE**

11
12 **Planning Commission Members:**

City Staff:

13
14 Doug Haymore
15 Geoff Armstrong
16 Perry Bolyard - Alternate
17 J. Thomas Bowen
18 JoAnn Frost
19 Brad Jorgenson, Alternate
20 Jim Keane
21 Amy Rosevear
22

Michael Black, Planning Director
Greg Platt, City Planner
Morgan Brim, Planning Technician

23 **BUSINESS MEETING**
24

25 **1. WELCOME/ACKNOWLEDGEMENTS.**

26
27 Vice Chairman Doug Haymore called the meeting to order at 7:00 p.m. Procedural issues were
28 reviewed.
29

30 **2. CITIZEN COMMENTS.**
31

32 There were no citizen comments.
33

34 **3. PUBLIC HEARINGS:**

35 **3.1 The Planning Commission will hear public comment for the Avalon Point**
36 **conditional use permit proposal for a 17-lot Planned Unit Development on**
37 **approximately 4.78 acres, located at 8420 South Wasatch Boulevard in the R-1-8**
38 **zone as requested by Jaime Adams.**
39

40 (19:06:23) City Planner, Greg Platt, presented the staff report and stated that the request was for
41 a conditional use permit for the development of a 17-lot planned unit development (PUD) at
42 8420 South Wasatch Boulevard. He noted that the subject property is currently being used as a
43 residence. Mr. Platt reported that some citizens have commented or appeared at the planning
44 office regarding their concerns about the number of lots in the proposal. In addition, there has
45 been one written communication in opposition to the project, which was presented to the
46 Commission during the work session. Mr. Platt reported that the site comprises a total of 4.78
47 acres between three lots. He noted that the west end of the property borders near Danish Road.
48 A large portion of the property, approximately two acres, lies on a slope that is unbuildable. The

proposal preserves 1.5 acres as open space for the PUD with a small access trail. Building lots within the PUD will be clustered uphill on the west side of the development.

Mr. Platt reported that the zoning of the subject property is R-1-8, requiring a minimum lot size of 8,000 square feet. The R-1-8 zone is designed to allow an average of 5.4 units per acre in a PUD with a conditional use. The total number of lots an applicant may request when applying for a conditional use PUD is determined by dividing the total space by the minimum lot size. The Architectural Review Commission reviewed the application twice and made a recommendation of approval at the second meeting. The approval was based on the following recommendations.

1. 25-foot setbacks for garages.
2. Houses should be ramblers with gables at a maximum of 27 feet in height, giving each house a feeling of being no more than 1.5 stories.
3. The proposed open space amenity should be accepted as currently constituted.
4. Stepping back for buildings, allowing for greater heights on the back of homes, should only be allowed on Lots 4, 5, and 6 at the west end of the development.
5. Building materials should be consistent with the front elevation sketches that were given to the ARC and should be present on all the sides of the homes.

(19:10:13) The density calculation is 4.78 acres total and 1.56 acres on slopes. Because the slopes are greater than 30%, only 30% of those slope areas are counted toward the net density. That gives only 0.47 acres of slope to be counted toward density. In addition, the 0.46 acres occupied by roads cannot be used as part of the land in the density calculation. The net acreage of 3.22 acres is then divided by 8,000 square feet, for a total of 17.5 possible lots, or 17 whole lots allowed for the proposed development. Mr. Platt explained that in addition to lot size, density is also a function of how well the Planning Commission believes the applicant has addressed the purpose and function of the PUD ordinance. Therefore, the allowed lot calculation is subjective to the Commission.

(19:11:39) Mr. Platt stated that the landscaping and open space requirement for a PUD is 20%. It is defined as the total area of land and water within the external boundary of a PUD. It is intended for the use and enjoyment if the residents as open areas. The total open space provided in the proposed development is 70,832 square feet, or about 1.62 acres, which represents 40% of the total site. Although some of the space is inaccessible due to the slope, the plan includes an access trail to the open space. Front yards of all the lots are proposed to be created and maintained as linear parks. In accordance with code, only a portion of the front yard linear park areas will be counted toward open space. Mr. Platt clarified that the trail system will be open only to residents of the proposed PUD.

(19:12:50) Mr. Platt explained that pedestrian movement is required in all PUDs in the City. The movement should be accomplished through a consistent and well-designed pedestrian sidewalk system, including enhanced intersection treatments. The proposed PUD creates sidewalks that

front on both sides of all streets so that a complete circuit can be completed by a pedestrian walking through the subdivision. Additionally, the trail intersects a system of sidewalks.

Mr. Platt reported that setback requirements for the R-1-8 zone are 25 feet, with a rear setback of 20 feet and side setbacks of 10 feet. The proposed PUD varies from the underlying zone and pushes the homes closer to all of the lot lines. The ARC has recommended that all garages maintain the 25-foot setback from the back of the sidewalk to prevent protrusion of cars into the sidewalk. Proposed setbacks for the PUD are 15 feet to the front of the home from the back of the sidewalk, 25 feet to the front of the garage from the back of the sidewalk, eight feet on the side yards, and 15 feet for the rear yard. This will result in a minimum of 16 feet between buildings.

(19:14:26) Staff made recommendations to mitigate detrimental effects and recommended approval of the proposed development based on compliance of code and the conditions set out in the staff report.

(19:18:00) The applicant, Robert Poirier, of McNeil Engineering identified himself as the Design Engineer for the project. He stated that he has worked closely with the owners and they have worked to develop a project that will fit into the community and serve both the “empty nest” residents and those using them as second homes. His intent was to propose homes that don’t look overwhelming considering the smaller lot size of the proposed development. Larger driveways were proposed to allow unimpeded pedestrian access to the landscaped sidewalk areas. The open space will have three areas with benches and custom landscaping. Mr. Poirier pointed out that Lots 4, 5, and 6 will have stepped building heights, which were proposed because of the engineering considerations for the topography of the lots. The front of the homes will appear to be 1.5 stories, while the backs will be two full stories. Commissioner Armstrong clarified that the heights would otherwise be 27 feet. Mr. Poirier stated that the homes will appear symmetrical with the size of the lots.

Commissioner Bowen asked Mr. Poirier to explain what he meant by the project being beneficial to the ski industry. Mr. Poirier responded that one of the owners lives out of state and had received a lot of positive support from people who want to come to town and stay in a home for a short period of time, without having a great deal of maintenance. With regard to whether the units will be rented, Mr. Poirier expected that because of the value of the homes, the owners will be guarded with regard to the rental market.

Commissioner Bowen then asked Mr. Poirier what benefits the increased density will have to the City as opposed to a regular subdivision. Mr. Poirier responded that the cluster of housing will allow for larger areas of open space to be enjoyed by everyone within the community rather than each resident having a slightly larger lot. Commissioner Bowen inquired as to how the members of the community can enjoy the open space in a private PUD. Mr. Poirier responded that a benefit to the City would be that there will be asphalt and paving and more native vegetation retained. Mr. Poirier explained that the proposed development suits the needs of the purchasers, who will not have large families or require large yards. The smaller lots will require less property maintenance, which will be done professionally.

(19:26:06) Steve Richins, a resident of Tree Farm Estates, reported that he has lived in the area for 15 years. He was concerned about how the developers will comply with the regulations of

1 the PUD. He referenced the Tree Farm Estates plot plan, which contains 30 lots. In this case,
2 the request is for 17 lots. He was concerned that he has seen signs on Wasatch Boulevard
3 advertising ski in, ski out homes. He did not consider Cottonwood Heights to be a resort town
4 and questioned how many owners intend to occupy the homes or are merely making an
5 investment. He thought it would be wrong for the Commission to approve the request which will
6 be a black eye to the City. He further noted that it does not conform to the City's own codes and
7 regulations. He noted the design criteria demands that planned unit developments be held to a
8 higher architectural standard. He stated that the renderings will not depict what is going to be
9 built. Mr. Richins was experienced with renderings and stated that they are a sales tool. He
10 pointed out that the trees depicted in the renderings are mature. Mr. Richins then stated that the
11 burden should be on the applicant to show that the plans conform to the criteria. He was unsure
12 that the ARC has reviewed the plans in detail and questioned whether the developer plans to live
13 in one of the units. Mr. Richins stated that according to standards, the design and density must
14 have a compatible, efficient, and functional interrelationship with the surrounding uses and
15 activities and must not adversely affect the substantiality of the surrounding area. He compared
16 the proposal to Tree Farm Estates and other developments. He did not feel the ARC should have
17 approved the development and he expressed opposition to the proposal.

18
19 Mr. Richins asked how the Commission judges whether there is support for a proposal. Vice
20 Chair Haymore answered that what is important is that the Commission hear substantive issues
21 as to why an item should be considered for approval or not. The consideration of public polls
22 and public clamor are not allowed by law, because the rights of individual landowners are
23 balanced with the rights of the community members. All points of view are heard and weighed
24 against the project. An exact count of those in favor or opposed is not necessary. It is important
25 to know, however, that the community cares, which is represented by the fact that so many are
26 present.

27
28 (19:32:54) Paul Spilker gave his address as 3260 McNeil Circle. He recalled when there were 50
29 families in the City and it was quite rural. He was fond of the community had has no intention of
30 leaving. He believes that property owners should have a right to do with their property what they
31 want, so long as it doesn't encroach on others. He saw no difference between 17 lots and 8 lots
32 at this point.

33
34 (19:34:56) Walter Keene, a land use attorney, gave his address as 3391 Denningborg and reported
35 that he recently purchased a home in the area. He was concerned that there are now two homes
36 proposed above his property. He noted that he has one client in the City who purchased a home
37 with the intent of renting it to skiers for \$600 to \$1,000 per night. He pointed out that there was
38 a zoning ordinance in place that precluded her from renting it and she had to sell the house
39 because the neighbors complained. He noted that the proposed development is in a desirable
40 area for ski rentals. He added that there could be a potential problem for emergency vehicles to
41 access the proposed development. He showed the relationship of his lot to the development,
42 which is in close proximity. He asked that some restrictions be included in the CC&Rs with
43 regard to lighting. He encouraged as much prohibition as possible on light encroachment. He
44 did not believe the proposed development is an appropriate use as the surrounding homes are
45 much larger. He believed the development was a short-term vacation rental opportunity and
46 encouraged the Commission to disallow it. He suggested that the development be required to
47 have larger lots and safer ingress and egress for emergency vehicles. He added that he was

1 concerned that there had not been a traffic study done of the property to determine what the
2 impact will be in the event emergency equipment has to make the turn off of Wasatch Boulevard.

3
4 Vice Chair Haymore clarified that CC&R's are a matter of private contractual agreement and not
5 something the Planning Commission can consider. The Commission can, however, consider
6 adding conditions to any potential approval.

7
8 (19:40:38) Karen Morgan gave her address as 8378 South Austrian Way and stated that she has
9 lived in the Tree Farm Estates area for nearly 20 years. She recalled the prior use of the subject
10 property as a residence and stated that most of her concerns were addressed by prior speakers.
11 Her understanding was that the developer wants to sell the lots to individual builders and have
12 each builder decide the design and style, which would be contrary to City ordinances. Her main
13 concern had to do with the dangerous curve on Wasatch Boulevard and the additional traffic that
14 will result from the proposed development. She added that there is low visibility there currently.
15 She urged the Commission to deny the request.

16
17 (19:42:53) Chris Terry gave his address as 3125 Kennedy Drive. He was present on behalf of his
18 father who lives at 3368 Austrian Way in Tree Farm Estates. He questioned the density
19 calculations and believed the square footage of the lots seemed to have been included with no
20 allowance for the roadways. The developable acreage is approximately 140,000 square feet,
21 which has been divided by 8,000 square feet in its entirety. He does not believe 17 lots can fit
22 under the R-1-8 zoning. He pointed out that the density can be no more than that allowed in the
23 area in which the PUD is located. Planning Director, Michael Black, requested more time to
24 review the calculations outside of the meeting.

25
26 (19:45:52) Commissioner Bowen clarified that Mr. Terry's inquiry had to do with why more lots
27 are allowed under a PUD. Mr. Black responded that when the density calculation is figured it
28 should take out 30% of the slope over 30% first. Next the road should be taken out. Whatever is
29 left over is what the density calculation should be based on. He requested more time to consider
30 the issue. He noted that if there is a mistake, it will be corrected and presented at the next
31 meeting. Commissioner Bowen explained that you can get more density in a PUD than in a
32 regular subdivision. The tradeoff would be benefits conferred upon the city.

33
34 (19:47:30) Mary Anne Anderson gave her address as 3394 East 8350 South in the Tree Farm
35 subdivision. As a long-term resident she wants what is best for the City. She thought the intent
36 was to balance the needs and wants of the proposed PUD with the nearby homeowners. Some of
37 her concerns were previously addressed, such as setbacks and proposed heights. She measured
38 and found that a height of 25 feet towered over her home. She was concerned that something so
39 tall could potentially be 15 feet from her lot line. She was also concerned with the setbacks and
40 density proposed. It did not seem right to her for all of the open area to be in the back one-third
41 with all of the homes clustered in the front two-thirds. She presented the Commission with a
42 petition signed by 54 of the residents in the Tree Farm subdivision. She reported that 100% of
43 the people they caught at home were opposed to the proposed development. Ms. Anderson
44 reported that she is a realtor by profession and things she uses to market property, such as
45 privacy, conformity of the neighborhood, and quiet, will all be impacted by the 17 homes
46 proposed. It will impact the property values of nearby homes as well. She was unhappy with the
47 proposed development and submitted her petition to the Commission. She hoped to see the
48 needs of homeowners in the two subdivisions balanced between with the wants and desires of the

1 developer. She believed the developer purchased the property being fully aware of the zoning
2 and knowing the character of the surrounding neighborhoods. For him to now assume he can
3 make a radical change to the area between the two neighborhoods did not appear to be fair and
4 balanced.

5
6 (19:50:50) Ken Ruick gave his address as 3358 Austrian Way. He reviewed Chapter 19.78 and
7 found inconsistencies with the current proposal. One had to do with density and open space. He
8 noted that the developer cannot build on a portion of the land because of water that goes through
9 the area. He questioned whether that space was included in the density calculation. Vice Chair
10 Haymore stated that it will be considered as the density calculation issue is addressed. He agreed
11 that some land cannot be used in the calculations and noted that they will ensure that only
12 allowable land is used.

13
14 Mr. Ruick pointed out that open space needs to be architecturally consistent with the
15 development. He believed there should be open space throughout the development, which is not
16 the case in this proposal. He was concerned that three lots violate the regulations regarding the
17 preservation of trees, natural topography, and geographic features. He presented photographs of
18 the property to clarify his position that a house cannot be built without a retaining wall and
19 landfill. He believed the trees in the area will be removed. Next, he referred to Section 1.40 of
20 Chapter 19.78 regarding effects on surrounding properties. This section requires arrangement of
21 structures and open spaces within the PUD in a manner that ensures that the adjacent properties
22 will not be materially or adversely affected. He stated that the applicant is also required to
23 clearly show that the variation in density will not jeopardize any significant public interest. He
24 believed the property values of the surrounding areas will be affected. No sales figures have
25 been reported for the subject homes but he was told by two realtors that his property value will
26 decrease by 15 to 20 percent. He was concerned that the proposed development will have a
27 negative impact on his property value and expressed opposition to the proposed development.

28
29 (19:56:38) Bill Gordon gave his address as 3353 Daneborg Circle and encouraged circulation of
30 the petition in their neighborhood as well. He too was concerned about property values.
31 Mr. Gordon suggested overlaying the native scrub oak on the property. He commented that the
32 scrub oak acts as a barrier between the two properties. He believed that was part of the reason
33 the homeowners in the area bought their property. He hoped there would be a requirement to
34 preserve as much native vegetation as possible.

35
36 (19:58:35) Randy Owen gave his address as 3375 East 8307 South in the Tree Farm subdivision.
37 He wanted to ensure that the sharpness of the curve on Wasatch Boulevard is addressed. He
38 travels the road daily and has found that people drive very fast. The proposed subdivision, which
39 would have an increased use of 17 units, is located at the center point of the sharp curve. He was
40 particularly concerned with nighttime travel from the south to the north on Wasatch Boulevard.
41 He believed it would require major reconstruction of the road to install a left-hand turn lane into
42 the subdivision. He reported that it is the sharpest curve between Big Cottonwood Canyon and
43 Little Cottonwood Canyon. The proposed development with increased density will impact the
44 middle point of the curve. Mr. Owen expressed opposition to the proposed development unless
45 major reconstruction is done of Wasatch Boulevard.

46
47 (20:01:15) Roseanne Terry gave her address as 3368 Austrian Way and stated that she has been
48 in real estate for 30 years. She recalled that for several of the local subdivisions, it took many

1 years to get rid of rental homes. She explained that with a ski rental, several families come for a
2 ski weekend and the result is a lot of cars. She did not think the proposed development could
3 handle that. She would be very disappointed if the City allows the developer to permit rentals,
4 which they all fought so long to get rid of. Mr. Black stated that a code was established to
5 prohibit short-term rentals. He added that violators will not be tolerated on the basis that they are
6 unfamiliar with the code. Ms. Terry explained that other subdivisions were built that way and
7 she misunderstood the intent of the proposal. Commissioner Frost noted that one area that is
8 permitted for this use is no longer within the City's jurisdiction. Mr. Black added that there are
9 some allowed along certain corridors under certain conditions.

10
11 Ms. Terry asked how many retaining walls were planned for the project and what their road
12 construction plans were. She also questioned whether the property will be flattened with
13 retaining walls. She did not want to see unattractive concrete walls used for this purpose.

14
15 (20:04:21) Darrell Voorhees gave his address as 8490 South Scottish Drive, just west of the
16 proposed subdivision. He referenced the Lantern Hill project, which the Cottonwood Heights
17 Community Council was against originally. However, the county approved it. Problems with
18 the project included emergency access difficulties, lack of parking, and snow removal problems.
19 Mr. Voorhees was concerned that the new subdivision will have the same issues, particularly
20 with parking. He was also concerned about where the runoff water from the proposed
21 subdivision will go. He explained that many people will be affected if the irrigation ditch in the
22 area is used or obstructed in the summertime. Mr. Voorhees also expressed concern with sewage.

23
24 (20:06:30) Mike Stevens gave his address as 8352 South Austrian Way and stated that he has
25 been a resident for 17 years. He was adamantly opposed to the project as currently proposed.
26 He suggested the developer build homes that are compatible with the surrounding homes, as he
27 could make an equal profit with such a development. He believed the total acreage of the project
28 is less than required for a PUD. He did not believe the renderings are representative of the
29 completed subdivision should the lots be sold to individual builders. He thought it was counter
30 to the goals of the City of Cottonwood Heights. He added that if the design was more reflective
31 of the surrounding homes, he would most likely be in favor of it.

32
33 (20:08:49) Julie Swindells gave her address as 8356 South 3375 East in the Tree Farms Estates
34 subdivision. She was concerned about a water easement that crosses the rear of her property and
35 where it will cross the new development.

36
37 Vice Chair Haymore asked Mr. Poirier to respond to some of the questions raised.

38
39 (20:09:46) Mr. Poirier first addressed the question of traffic problems along Wasatch Boulevard.
40 He reported that traffic studies have been conducted and they are working with UDOT. Wasatch
41 Boulevard was scheduled to undergo a major road widening, with a large amount of property on
42 the front of the subdivision dedicated to accommodate the larger road. A deceleration lane was
43 planned and a left-hand turning lane for the subdivision entrance. The existing travel lanes will
44 also be increased by one foot. With regard to visibility issues, there are minimum engineering
45 standards that require a certain sight distance in any direction. They were just below double that
46 required distance. Mr. Poirier explained that the area in question on the map was to become a
47 grassy area with landscaping and a depression in the center to handle storm drainage. Water will
48 be released slowly into a public system. The design was meant to handle a 100-year storm event.

1
2 Cottonwood Heights City limits subdivisions to two retaining walls with a maximum height of
3 six feet, which must be separated. Mr. Poirier explained that these would be landscaped, tiered
4 walls to minimize the domineering aesthetic effect of the structures on the hillside.
5

6 Mr. Poirier reported that the Salt Lake City Aqueduct is a 150-foot wide easement, 75 feet of
7 which will traverse the proposed development. This is subsurface and does not render the area
8 unbuildable, although it lies within their open space. With regard to the density, their current
9 calculations were at 40% open space while the requirement was 20%.
10

11 (20:13:46) Mr. Poirier reported that they are working with the Fire Department with regard to
12 standards for interior radiuses and turnaround lengths. He reported that the proposal meets all
13 Fire Department Code requirements. Parking space is mitigated by larger driveway space. Each
14 home will have four parking spaces and additional off-street parking is located at the ends of the
15 hammerheads.
16

17 Vice Chair Haymore invited clarifications from the public.
18

19 (20:15:43) Chris Terry identified the waterline easement on the map and specified where it
20 traverses the proposed development property.
21

22 Ken Ruick was confused about Lot 18 and not sure if it was included in the open space
23 calculations. Vice Chair Haymore stated that it will be carefully considered. He thanked the
24 citizens for their comments and stated that the item will be re-noticed for Planning Commission
25 decision. Mr. Black explained that it would generally not be noticed for action other than on the
26 agenda.
27

28 Vice Chair Haymore closed the public hearing.
29

30 (20:18:19) Mr. Black stated that it could take longer than two weeks to assess the approval of
31 UDOT for road expansion. He suggested one month be allowed. Vice Chair Haymore agreed
32 and suggested a decision be scheduled for September 17. A Commission Member suggested that
33 the item be continue until such time as the Planning Department has completed their work at
34 which time the issue will be re-noticed. Vice Chair Haymore agreed. There was no objection.
35 Commissioner Bowen suggested the public be encouraged to provide additional comments in
36 writing. Vice Chair Haymore agreed and stated that the item will be open for public comment
37 for at least two weeks. Comments were to be submitted to staff.
38

39 (20:21:14) Commissioner Bowen commented that the complaints of Mr. Richins were actions
40 taken by the County, not Cottonwood Heights or the Planning Commission. He then addressed
41 Mr. Morgan and Mr. Gordon's concerns that architecture and vegetation issues be dealt with in
42 the PUD. One advantage of a PUD is that staff has control over such issues. The Commission
43 can impose conditions that the architecture match what is represented in the proposal. The
44 Commission is also very concerned about native vegetation and can impose restrictions on its
45 removal. With regard to ski rentals, they are not allowed. In addition, the roads have to be
46 approved by the Fire Department. Commissioner Bowen also noted that whether the property is
47 developed as a PUD or a regular subdivision, Wasatch Boulevard will eventually be widened. It

1 might be done more quickly, however, with a PUD. He explained that the Commission will
2 decide whether control over the project offered by a PUD will offset the public concerns.

3
4 (20:23:40) Commissioner Armstrong realized that short-term rentals are a concern and read a
5 portion of the staff report involving the same issue in a different case. It stated that no new
6 short-term rental properties are being licensed in Cottonwood Heights.

7
8 Commissioner Frost asked if anything is in place prohibiting what took place on the Canyon
9 Racquet Club Property where the building was raised. Mr. Black stated that once the 19.76
10 amendments are adopted, there is language requiring the site plan and concept plan to be
11 approved before a building is raised. A public hearing for the matter was scheduled for
12 September 3.

13
14 Commissioner Rosevear commented that she once lived on the property that is the subject of the
15 development proposal and is familiar with the issues there, particularly with the roads. She
16 reminded the applicant that it is their responsibility to show the benefit to the City by adding
17 additional density to the parcel. The open space area is proposed in an area that could be
18 developed with only one home due to easements and topography. While the widening of
19 Wasatch Boulevard would be a benefit to the community, it would also be achieved if a regular
20 subdivision were developed on the property. She believed that custom homes would be built if
21 the lots were sold individually. Mr. Black added that modular homes would have to be allowed,
22 although uncommon. Commissioner Rosevear reiterated that she needs clear and convincing
23 evidence that the community will benefit from the additional density.

24
25 **3.2 The Planning Commission will hear public comment for the Alta Hills proposed**
26 **general plan amendment, located at 8575 South Wasatch Blvd., requested by Mark**
27 **Neff for an amendment from the low-density general plan designation to the**
28 **medium-density designation. This item has been heard before by the Planning**
29 **Commission and is being heard again due to a change in the application request**
30 **where the applicant is reducing the amount of property proposed for the**
31 **amendment.**
32

33 (20:33:35) Vice Chair Haymore called the meeting back to order. Planning Technician, Morgan
34 Brim, presented the staff report and stated that the application originally requested five twin
35 homes for a total of 10 units in the proposed development. The Planning Commission heard the
36 request and recommended denial to the City Council. A recommendation of three twin homes
37 was given for the property. The applicant amended his request to four twin homes and a total of
38 eight units. This still will require a change from a low-density general plan designation to a
39 higher density. It was clarified that this change would encompass all five lots.

40
41 (20:36:22) The applicant, Mark Neff, represented the owners of the property who are his family
42 members. He believed the benefits of the proposal include more people to participate in
43 common maintenance of the strip of UDOT property that runs about 450 feet along the property
44 frontage. In addition, it will give the project more of a planned unit look that is more visually
45 pleasing to passersby. He believed the City Council wanted the homes clustered along the south
46 end of the property, freeing up more open space on the north end. The proposal sets aside 1.5 of
47 the five lots as unbuildable space. He explained that they need more units than the
48 recommended three in order to pay for the joint maintenance of the streetscape and other issues

1 associated with the PUD. Financially, he was not convinced he was better off one way or the
2 other. He was, however, convinced that he can create a better project visually and street
3 maintenance-wise with the proposed application.
4

5 Vice Chair Haymore opened the public hearing.
6

7 (20:38:26) Nathan Anderson gave his address as 8660 South Alton Circle and identified the
8 location of his property. He was in favor of the proposed development and pleased that a
9 developer is proposing a multi-family non-rental development with an upscale appearance. He
10 noted that he is the only neighbor in the area. He believed that if the property were developed
11 with single-family homes, they would be cost-prohibitive. He preferred the affordability offered
12 by the proposed development. He added that the area lends itself to this type of development as
13 there are no other nearby neighbors. He did not believe there was affordable housing in the area
14 and voiced support for the project.
15

16 (20:41:01) Ed Hobday gave his address as 8527 Little Willow Circle, located just west of the
17 subject property. He spoke previously to the City Council on the matter and was still opposed to
18 it for a number of reasons. After listening to the previous item he was concerned that there were
19 no density or slope studies done on the property. He expressed opposition to more duplexes in
20 the neighborhood. Across the street there are rental properties that create parking issues. He did
21 not want to see increased traffic on Wasatch Boulevard and did not consider what is proposed to
22 be much of a change from the previous proposal. To him, single-family homes would be much
23 better. He stated that the property will be difficult to build on and suggested Mr. Neff donate the
24 property to the City for a dog park.
25

26 (20:43:53) Randy Long gave his address as 8610 Twins Hill Drive and expressed opposition to
27 the development. He stated that no more development is needed in the area. He was concerned
28 that the area will become overdeveloped and growth will get out of control. He reported that he
29 also owns duplexes.
30

31 (20:45:11) Carol Benson gave her address as 3577 East 8620 South and stated that this is the
32 third time she has appeared on this issue. She remained opposed as she did not believe there had
33 been any changes proposed from the beginning. She realized that Mr. Neff has a right to develop
34 the property. If he wants it to be part of the community, he has the option to take the road that is
35 already going to the three lots bordering it off of Wasatch Boulevard and continue it into his
36 development and make it part of the Golden Hills community. She also wanted a more suitable
37 number of homes developed on the property. She did not believe the project as proposed would
38 be a part of the community or benefit the City.
39

40 There were no further public comments.
41

42 (20:46:41) Vice Chair Haymore closed the public hearing. He clarified that the matter was
43 scheduled for public hearing only tonight. A decision would be made at some point in the future.
44

45 Commissioner Rosevear asked whether the open space would be guaranteed under the proposal.
46 She was concerned about the access onto Wasatch Boulevard with the number of units. It was
47 clarified that if the entire property is re-designated, there is no guarantee that only six units will
48 be developed. She asked if there was any way to acquire open space with a General Plan

1 amendment for the property. Mr. Black confirmed that there was not and that the General Plan is
2 advisory only.

3
4 A Commission Member inquired as to whether the continuation of the existing road is feasible
5 and would provide access. Mr. Black explained that it is a private road and easements would
6 have to be obtained from all property owners. He added that the road comes off of Alpine Circle
7 and becomes a private lane and does not currently meet fire code standards. A past application
8 for a subdivision was denied because of the same issue.

9
10 (20:49:46) Vice Chair Haymore scheduled the item for action on September 3.

11
12 **4. ACTION ITEMS.**

13 **4.1 The Planning Commission will take action on a conditional use permit for a day**
14 **care/preschool request from Pearl and George Garff located at 7304 Jonathan**
15 **Drive. This is a request for a home based day care/preschool to be located in the**
16 **home of the applicants with no more than 12 students. A public hearing was held on**
17 **this item on August 6, 2008.**

18
19 (20:50:09) Mr. Brim presented the staff report and stated that the current ordinance allows for no
20 more than 12 students and one employee who do not live at the home. The property is located on
21 the northwest corner of Winesap Road and Jonathan Drive. The applicants proposed indoor
22 instruction with recess on the side yard at the northern end of the property. Staff recommended
23 approval with the conditions contained in the staff report.

24
25 Commissioner Rosevear asked about the ballet bar. She was concerned that there would be
26 dance classes not included in the preschool. This was clarified to be part of the playground
27 equipment and, therefore, a part of the preschool.

28
29 The public hearing was opened. There were no public comments. The public hearing was
30 closed.

31
32 (20:54:25) *Commissioner Frost moved to approve item 4.1, conditional use permit for a home*
33 *daycare preschool, subject to the following conditions:*

- 34
35 *1. That there shall be no more than 12 children including the caregiver's own children*
36 *that are under age 6 and not yet in full day school.*
37
38 *2. There shall be no more than one employee on location at any given time that does not*
39 *reside in the home.*
40
41 *3. The caregiver shall comply with all applicable licensing requirements under Title 5 of*
42 *the Cottonwood Heights Code of Ordinances.*
43
44 *4. There shall not be business-related signs on the property, only a nameplate.*
45
46 *5. The play yard shall not be located in the front yard and shall only be used between 8:00*
47 *a.m. and 6:00 p.m.*
48

6. *That the applicant constructs a fence separating the front yard and the play area in the side yard to provide a safety buffer for the street.*

7. *The facility shall not operate before 7:00 a.m. and not after 6:00 p.m.*

8. *Conditional use shall be reviewed upon complaint of violations of the conditional use.*

Commissioner Armstrong seconded the motion. Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye, JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Amy Rosevear-Aye; Bradley Jorgensen-Aye. The motion passed unanimously.

5. DISCUSSION ITEMS

5.1 The Planning Commission will review and discuss a proposed amendment to the Supplementary and Qualifying Regulations (19.76) and the Mixed-Use (19.36) for the addition and regulation of Urban Mixed-Use Self-Storage facilities as requested by Jim Keane.

(20:56:14) Mr. Platt requested that the Commission extend the meeting to accommodate presenters for this item who have traveled from out of state.

(20:56:58) *Commissioner Bowen moved to extend the time of the current meeting to 9:20 p.m. Commissioner Rosevear seconded the motion. Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye, JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Amy Rosevear-Aye; Bradley Jorgensen-Aye. The motion passed unanimously.*

(20:57:21) Mr. Black reported that he received a request for a self-storage facility in the gateway zone. His initial reaction was that it would not fit the criteria of the gateway ordinance. After hearing the proposal Mr. Black suggested the applicant explore the option through a code amendment to see if there was a way to create a regulation in the mixed-use zone to regulate it as a mixed-use building. Options would include office, residential, retail, and other similar uses. It would have to be a mix of some other secondary use with the primary use being self-storage. The Architectural Review Commission reviewed the plans and draft regulations were written to address the issues identified.

While no standards are established in the regulations, they ensure that the building fits into its surroundings. The buildings would have to fit into future standards for the gateway overlay zone. In the interim, the proposed regulations ensure that the architecture matches the quality, texture, and architectural intent of surrounding buildings and the intent of the regulations of the gateway overlay zone design guidelines. The ARC recommended approval of the proposed amendment. Mr. Black stated that the challenge will be ensuring consistency with the gateway zone.

(21:02:11) Applicant Jim Kane, from Atlanta introduced his partners Dan Nixon, of Ogden, and Mike Rowe, from Seattle. The three had been involved in all aspects of the storage industry for the last 20 years. They were working on numerous facilities in the surrounding communities. They had been involved in developing high-end facilities in other cities and have international experience. The proposed product is currently not available in the Salt Lake Valley. This project will be the first time mixed use will be incorporated into one their developments.

1
2 He explained that storage facilities are needed for residents as home sizes decrease due to cost,
3 increased densities, and as community regulations no longer allow storage sheds in yards.
4 Businesses are also impacted with high rent costs on storage areas. He explained that the storage
5 industry has changed with average stays increasing from a few months to over 12 months. As an
6 example, a retailer may need more inventory storage during the holiday season. Another change
7 has been that the location and character has changed from large buildings on freeway acreage to
8 those closer and more convenient to the customer. In most cases, the facilities are located on less
9 than three acres. Mr. Kane cited police departments, neighborhood associations, and charitable
10 associations as some businesses that utilize storage facilities.

11
12 (21:06:50) The new variety of uses means that the facilities have moved to more expensive and
13 smaller parcels of land, as small as one acre, and buildings are multi-story because of this
14 expense. Customer-friendly retail offices are included that are well-staffed and inviting.
15 Security is accomplished by video surveillance, cameras, and well-lit hallways. Comfortable and
16 large hospital-style elevators are used. Storage units are also climate-controlled.

17
18 Mr. Kane explained that their proposed facility will complement the existing businesses as it
19 provides needed storage, generates low traffic, requires very little parking, is efficient, and
20 creates an excellent buffer between residents and other commercial activities. The product is
21 quiet and not heavily used. The customer base is estimated to be within a three-mile radius.

22
23 (21:11:07) Mr. Kane next presented the Planning Commission with draft renderings of the
24 proposed facility. The driveway and parking would be in front. Approximately 7,000 feet of
25 retail or office space was proposed along the front, including the storage office. The storage
26 units are above and behind the façade. The cars enter on the north and exit through the center
27 section. Functioning windows were included per ARC recommendations to create the
28 appearance of an office building. The appearance of nearby offices will be emulated on the
29 facility. An east side elevation draft was presented, showing the view from the residential area.

30
31 Commissioner Armstrong asked if the facades were easy to change. Mr. Kane reported that they
32 are. He explained that there is some difficulty with windows, as the function of the facility
33 requires interior hallways that may not align with the windows. He stated that they will work
34 with the ARC further on the design. Commissioner Frost inquired as to whether there were
35 inside layout drafts available. Mr. Kane did not have these available; however, he did present
36 them to the ARC. Mr. Black reported that he had seen the renderings and found that it does not
37 look like a typical storage facility.

38
39 Vice Chair Haymore clarified that the facility will be one building encompassing the entire
40 property. It is essentially a large warehouse with a visible upgraded façade. Mr. Kane
41 confirmed that there is no open storage included. The building will have three stories with a 35-
42 foot maximum height. It was confirmed that there are currently two storage facilities in
43 Cottonwood Heights.

44
45 (21:16:04) Commissioner Rosevear commented that the Commission has been waiting to see
46 such a proposal since storage facilities are generally considered to be less attractive. She thought
47 the ordinance was a good idea and would be a feasible way to permit such a use. Commissioner
48 Armstrong added that the two existing storage facilities are relatively small. Mr. Kane

commented that the Town Center facility is the closest. The facility on 2300 East is more traditional as it encompasses a larger area and includes RV space. He remarked that there are less security and fewer amenities at this location.

A Commission Member commented that his office is located across the street from the proposed project. He inquired as to how many lots the project will encompass. Mr. Kane reported that there will be three parcels, totaling approximately 1.5 acres. Two houses will remain between the facility and the street corner.

A Commission Member questioned why there are so many parking spaces in the project. It was clarified that since the façade is mixed use, the parking spaces are necessary for the retail or office use. Mr. Kane explained that there would be loading areas next to the large elevators. The Commission Member then questioned landscaping plans near the property lines on the east, next to the residential area. It was clarified that there will be a landscaping buffer in this area. Mr. Black added that the renderings are representative of an example based on the applicants' interpretation of the code. The code permits the ARC to impose any appropriate buffering.

(21:20:07) Mr. Kane reported that they have been working with a number of different planning commissions along the east bench. The proposed product is flexible enough to conform to the needs of individual communities, however, because one goal of the company is to develop a brand in the area, they will be seeking consistency in their different projects. A Commission Member clarified that the project is in the gateway zone and the Planning Commission will set the standard.

Vice Chair Haymore suggested the item be noticed for a public hearing and requested that comments on the ordinance be emailed to him. Mr. Black reported that more than two weeks would be required for a public hearing. He requested that the item be added to the work session agenda scheduled in two weeks to ensure that comments and questions have been received from the Planning Commission. Commissioner Frost added that she would like to see the designs from other cities. Mr. Kane reported that he will make the PowerPoint presentation available to the Commission. It was clarified that there has not been a decision as to whether there will be a change.

6. APPROVAL OF MINUTES.

6.1 January 9, 2008

6.2 January 16, 2008

6.3. February 6, 2008

6.4 March 19, 2008

(21:23:58) Due to time constraints, Vice Chair Haymore suggested approval of the minutes be rescheduled to the next meeting.

7. PLANNING DIRECTOR'S REPORT


There was no Planning Director's report.

1 **8. ADJOURNMENT.**

2
3 (21:24:14) *Commissioner Rosevear moved that the remaining items be moved to the agenda in*
4 *two weeks and that the current meeting adjourn. Commissioner Frost seconded the motion.*
5 *Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye; JoAnn*
6 *Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Amy Rosevear-Aye; Bradley Jorgensen-Aye.*
7 *The motion passed unanimously.*

8
9 The Planning Commission Meeting adjourned at 9:24 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, August 20, 2008.*
3
4
5

6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12
13

14 Minutes approved: